

1 **ADA COUNCIL ON ETHICS, BYLAWS, AND JUDICIAL AFFAIRS**

2 **Minutes of the March 24-25, 2022 Meeting**

3 The regular meeting of the Council on Ethics, Bylaws, and Judicial Affairs (CEBJA or the Council) was
4 called to order at 8:30 a.m. on Thursday, March 24, 2022. Council chair Dr. Meredith A. Bailey presided
5 at the meeting which took place in the Boardroom on the 22nd Floor of the ADA Headquarters Building
6 located at 211 E. Chicago Avenue, Chicago, IL 60611, and via Zoom web conference.

7 **Roll call:** Council members in attendance for the meeting: Dr. Meredith A. Bailey, Chair, Dr. Bruce
8 Burton, Vice Chair, Dr. Chris Adkins, Dr. William D. Cranford (via Zoom), Dr. Gary S. Davis, Dr. Ansley H.
9 Depp, Dr. Karen Foster, Dr. Jay A. (“Drew”) Johnson, Dr. Leslie Grant, Dr. Alex Mellion (New Dentist
10 Committee), Dr. Kathleen Nichols, Dr. Renee P. Pappas, Dr. Debra A. Peters, Dr. Allen Reavis, Dr. Kelly
11 Roth, Dr. Richard Serchuk, and Dr. Debra West (via Zoom). Following the roll call, a quorum was
12 announced as being present.

13 Also present for all or a portion of the meeting were: Dr. Scott Morrison, 10th District Trustee and Board
14 Liaison to the Council and Ms. Heather Moore, American Student Dental Association Liaison to the
15 Council.

16 CEBJA staff present for all or a portion of the meeting: Thomas C. Elliott, Jr. Esq., deputy general
17 counsel and director of the Council on Ethics, Bylaws and Judicial Affairs, Nanette Elster, Esq.,
18 manager, ethics outreach programs; and Mr. Earl Sewell, council specialist.

19 ADA personnel present for all or portions of the meeting: Dr. Raymond A. Cohlmiya, executive director;
20 Dr. John T. (“Tim”) Wright, JADA editor; Scott W. Fowkes, Esq., general counsel; and Cathryn E.
21 Albrecht, Esq., senior associate general counsel.

22 **Participant Disclosures:** The ADA Disclosure Policy was referenced. No disclosures were made.

23 **Call for New Business:** Dr. Bailey asked if there were any items of new business. One item of new
24 business was proposed (availability for service as a member of the Standing Committee on Constitution
25 and Bylaws) and was added to the agenda.

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

27 **Resolved,** that the printed agenda of the March 24-25, 2022 meeting of the Council on Ethics,
28 Bylaws and Judicial Affairs, as amended, be adopted as the official order of business with the
29 stipulation that the chair is authorized to change the order of items for discussion to expedite the
30 business of the Council and to accommodate scheduling issues and special presentations.

31 **Adoption of Consent Agenda:** A consent agenda was prepared to expedite the business of the
32 Council. Dr. Bailey reviewed the list of proposed consent items and removed the Minutes of the July
33 30-31, 2021 Meeting to make an editorial correction. By voice vote, the Council adopted the consent
34 agenda for the meeting:

35 **Resolved,** that the items of business marked on the agenda as being on consent for the March
36 24-25, 2022 meeting of the Council on Ethics, Bylaws and Judicial Affairs and listed below be
37 approved, the reports thereon filed and resolutions therein adopted
38

1 Items on Consent

2 Item 3.4 Future Meeting Dates

3 Item 5.1 Reports of the ADA Trustee Districts – (Written Reports only)

4 Item 6.2.5 Bylaws Subcommittee Report on the Status of the Proposed Rewrite of
5 Chapter XI. of the Governance and Organizational Manual of the American
6 Dental Association

7 **Approval of Minutes of Previous Session**

8 Minutes of the July 30-31, 2021, Meeting. Following the presentation of the minutes, a motion for adoption
9 was made and duly seconded. The following resolution was approved by voice vote.

10 **Resolved**, that the editorially corrected minutes of July 30-31, 2021, meeting of the Council on
11 Ethics, Bylaws and Judicial Affairs be approved.

12 **Professional Conduct Policy:** Cathryn Albrecht, Esq., senior associate general counsel, presented on the
13 Association’s Professional Conduct Policy. Afterward, the floor was opened for questions and discussion.

14 **SPECIAL PRESENTATIONS**

15 **Executive Director’s Presentation:** The Executive Director presented on creating the future of the ADA,
16 which covered the topics of Dentistry Today, Membership Trends, Future Relevance, Meeting the Paradigm
17 Shift, and A New Future. After the presentation, the floor was opened for questions and discussion.

18 **Meeting and Conference Services Presentation:** Ms. Dawn McEvoy, Ms. Lynette Buchanan and Dr. Peter
19 Shatz delivered a presentation addressing format changes for continuing education courses at SmileCon™
20 2022 and other opportunities available for council participation at SmileCon 2022. After the presentation and
21 the guest presenters exited the meeting, the chair opened the floor for discussion. After that discussion, the
22 following resolution was moved and duly seconded and was adopted by voice vote.

23 **Resolved**, the Continuing Education Subcommittee convene and decide what type of course
24 should be offered at SmileCon 2022 and report its decision to the full council.

25 **Journal of the American Dental Association Presentation:** Dr. Tim Wright offered insights on the timeline
26 for and process of publishing Ethical Moment Articles and provided the council with several ethical topics he
27 would like to see the council write on. Dr. Wright also extended an invitation to any council member who
28 would like to volunteer their time as a Peer Reviewer.

29 **Reports From ADA Council Leadership:** Representatives from the Council on Dental Benefit Programs,
30 Council on Dental Education and Licensure, Council on Dental Practice, Council on Communications,
31 Council on Government Affairs, Council on Membership, Council on Advocacy for Access and Prevention,
32 and the Committee on Annual Meetings attended a portion of the meeting. They each gave short
33 presentation on emerging topics their councils and committees are addressing and other issues of interest
34 to the Council on Ethics, Bylaws and Judicial Affairs.

35 **COUNCIL LEADERSHIP AND STAFF REPORTS**

36 **Report of the Chair:** Dr. Bailey spoke concerning the initiation and the development of CEBJA Connections
37 and proposed a monthly newsletter for circulation among council members to assist members in
38 communicating council actions and initiatives throughout the tripartite system, dental schools, other councils,

1 and trustee districts.

2 **Report of the Vice Chair:** Dr. Burton welcomed attendees to the meeting and highlighted the
3 achievements of the council.

4 **Report of the Board of Trustees Liaison:** Dr. Morrison gave a brief report focused on moving the
5 American Dental Association forward under the new Executive Director and thanked the council for its
6 leadership.

7 **Report of the New Dentist Member:** Dr. Mellion gave a report on membership trends and encouraged
8 continued outreach to the new member dentist community to build stronger rapport.

9 **Report of the ASDA Liaison:** Ms. Moore gave a brief presentation on how the American Student Dental
10 Association members prefer to use digital technology and social media platforms as a vehicle to receive
11 information.

12 **District Report Updates:** Members reported various issues from their districts. Afterward, the chair opened
13 the floor for discussion. The Council discussed whether there is a need for a toolkit to assist constituents in
14 starting ethics committees, judicial affairs committees or peer review committees. During the discussion, it
15 was suggested that a survey to constituent executive directors be developed to ascertain whether
16 assistance in developing ethics, judicial affairs or peer review committees, which led to the introduction of
17 the following motion being offered, duly seconded and approved by voice vote.

18 **Resolved,** that constituent executive directors be forwarded the following poll to assist the council
19 in ascertaining whether it should develop material to aid constituents in forming ethics, judicial
20 affairs or peer review committees:

21 Does your constituent have;

22 a) an Ethics Committee?

23 b) a Judicial Affairs Committee?

24 c) a Peer Review Committee?

25 **Report of the Council Director:** The Council Director presented an oral report reflecting on the duties of the
26 council and policies of the association that affect volunteer members and thanked the council for its work.

27 **Report of the Council Manager:** The Council Manager reported on continuing education courses, the
28 American Bioethics and Humanity Society, and trauma-informed healthcare.

29 **COUNCIL BUSINESS**

30 **Administrative and Policy Review Subcommittee:** On behalf of the Administrative and Policy Review
31 Subcommittee, Dr. William Cranford, chair, presented a status update. Unfortunately, due to intervening
32 circumstances, the subcommittee could not meet at its scheduled late February 2022 meeting to complete
33 its delegated tasks. Therefore, the subcommittee will finish its work before the July 29-30, 2022 meeting
34 and submit its full report at that time.

35 **Bylaws Subcommittee:** On behalf of the Bylaws Subcommittee, Dr. Gary S. Davis, chair, presented
36 committee's report. The report identified major topics discussed and actions taken by the committee. At the
37 conclusion of the presentation, Dr. Davis moved the following resolutions that were seconded by
38 subcommittee action and adopted by unanimous Council vote:

1 **Governance Document Amendments to Foster Inclusivity:**

2 **Resolved**, that the amendments to foster inclusivity listed in the above tables and illustrated in
3 Appendices 1 and 2 to the Bylaws subcommittee report be adopted pursuant to the provisions of
4 Chapter VIII., Section K.6.b.ii. of the Governance Manual,

5 and be it further

6 **Resolved**, that the council staff be directed to report the adopted conforming amendments to the
7 House of Delegates pursuant to Chapter VIII., Section K.6.b.iii. of the Governance Manual.

8 **Amendment to Bylaws Chapter I, Section 20.B.a.:**

9 **Resolved**, that the Chapter I., Section B.a. of the ADA *Bylaws* be amended as shown below
10 (deletions stricken through) pursuant to the provisions of Chapter VIII., Section K.6.b.ii. of the
11 *Governance Manual*:

12 B. LIFE MEMBER. Any person holding a D.D.S., D.M.D. or equivalent degree shall be eligible
13 to be a life member of this Association if he or she meets they meet the following qualifications:

14 a. ~~Association Membership~~. The member has been:

- 15 1. An active and/or retired member in good standing of this Association for at least
16 thirty (30) consecutive years or a total of at least forty (40) non-consecutive years,
17 or;
- 18 2. A member of the National Dental Association for twenty-five (25) years and has
19 been an active and/or retired member in good standing of this Association for at
20 least ten (10) years.

21 and be it further

22 **Resolved**, that the council staff be directed to report the approved conforming amendment to the
23 House of Delegates pursuant to Chapter VIII., Section K.6.b.iii. of the *Governance Manual*.

24 **Editorial and Conforming Amendments to ADA**

25 **Governance Documents:**

26 **Resolved**, that the editorial amendments listed in this report and illustrated in Appendices 1 and 2
27 to the Bylaws subcommittee report be adopted pursuant to the provisions of Chapter VIII., Section
28 K.6.b.ii. of the *Governance Manual*,

29 and be it further

30 **Resolved**, that the council staff be directed to report the adopted conforming amendments to the
31 House of Delegates pursuant to Chapter VIII., Section K.6.b.iii. of the *Governance Manual*.

32 **Referral of 106H-2021**

33 **Resolved**, that the appropriate agency revise the delegate allocation methodology found in the
34 Manual of the House of Delegates so that a minimum of two delegates is allocated to each of the
35 Federal Dental Services, and be it further
36
37

1 will be a welcomed resource to council members as article writing continues.

4 **Facilitator Guide**

5 Discussions were held between key stakeholders, and as a result, facilitator guides using Ethical
6 Moment were initiated.

7 At the January and February meetings of the Ethics subcommittee, the subcommittee began
8 reviewing topics from past Ethical Moment articles for their continued relevance and applicability in
9 the development pilot facilitator guides. At the March subcommittee meeting, the subcommittee
10 determined that the pilot facilitator guides should be developed from Ethical Moment articles
11 published within the last five years to ensure timeliness. Consequently, the subcommittee has split
12 into two pairs that will ultimately develop the content. Once a draft guide is complete, the two
13 groups will review one another's work. The subcommittee will then reassemble to finalize the pilot
14 guides.

15 **Capacity and Surrogate Decision Making in Geriatric Patients**

16 Dentists often treat geriatric patients who have a surrogate decision-maker. Ethical dilemmas may
17 occur if a surrogate makes a treatment choice that is not in the patient's best interest. After
18 discussion, the Ethics Subcommittee was tasked with investigating this subject and reporting its
19 findings to Council.

20 **Report on Disciplinary Proceedings:** The Chair and Director informed the council of a pending
21 disciplinary hearing and gave a brief presentation on hearing procedures.

22 **Student Ethics Video Contest:** The Council Specialist gave an update on the 2022 Student Ethics
23 Video Contest status. After discussion, it was requested that Council Members be provided with the
24 contest announcement material so members can share the communication within their district.

25 **Campaign Rules:** A report by the Council Director informed members of the formation of a
26 workgroup to revise the social media aspects of the Campaign Rules.

27 **New Business**

28 **Standing Committee on Constitution and Bylaws:** At the direction of the Council Chair, a poll to
29 identify members attending the Annual Meeting and who could serve on the Standing Committee
30 on Constitution and Bylaws was conducted. After available members were named, the staff
31 informed the Council that it would forward the names to the association's president.

32 **FOR THE GOOD OF THE COUNCIL**

33 The members of the Council, Dr. Morrison and Council staff participated in the traditional For the Good of
34 the Council closing of the meeting.

35 **ADJOURNMENT**

36 On motion duly seconded, there being no remaining business on the Council's agenda, the chair declared
37 the meeting adjourned at approximately 11:30 A.M. CDT on Friday, March 25, 2022