

ADA COUNCIL ON ETHICS, BYLAWS, AND JUDICIAL AFFAIRS

Minutes of April 27-28, 2023 Meeting

The regular meeting of the Council on Ethics, Bylaws, and Judicial Affairs (CEBJA or the Council) was called to order at 8:30 a.m. on April 27, 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. 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. James T. Purvis (New Dentist Committee), 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 Elliott, Jr., Esq., deputy general counsel and council director; and Daniel (Dan) Franklin, manager, CEBJA Operations.

ADA personnel present for all or a portion of the meeting: Dr. George R. Shepley, president; Dr. Linda J. Edgar, president-elect; Dr. Raymond A. Cohlmiya, executive director; Robert Quashie, chief operating officer; Dr. David M. Preble, chief strategy officer; Cathryn E. (Cathy) Albrecht, Esq., senior associate general counsel; Wendy Wils, deputy general counsel; Jane Grover, CAAP Director.

Invited Guests: Dr. Robert A. Faiella, past president, American Dental Association (via Zoom) (introduction to the use of artificial and augmented intelligence in clinical dentistry).

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

Confidentiality: 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 identified and added to the agenda the revision of six (6) gender references in the minutes of the meetings of the 2022 House of Delegates in order to conform to the diversity, equity and inclusion policies of the Association.

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

Resolved, that the printed agenda of the April 27-28, 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 two items:

Resolved, that the items of business marked on the agenda as being on consent for the April 27-28, 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 6.1.3 and 6.2.2, to be discussed later in the meeting.

Items on Consent:

Item 3.5 Future Meeting Dates—CEBJA meeting dates for 2023 are listed as “confirmed,” and CEBJA meeting dates for 2024 through 2029 are listed as “tentative.”

Item 3.6 Approval of the Minutes of the July 29-30, 2022, CEBJA Meeting

Item 3.5 Report on Mail Ballots—2023 revisions to the ADA’s *Constitution and Bylaws, Principles of Ethics & Code of Professional Conduct,* and *Governance Manual* to address issues of spelling, grammar, syntax, gender references, punctuation, cross references and deletion of moot and redundant language, as well as to incorporate amendments resulting from 2022’s House of Delegates session.

Resolved, that the revisions to the ADA *Bylaws* attached as APPENDIX 1 are approved, and be it further

Resolved, that Council staff take the necessary steps to have the revised ADA *Bylaws* be posted on ADA.org and printed for distribution.

Resolved, that the revisions to the ADA *Principles of Ethics and Code of Professional Conduct* (ADA Code of Ethics) attached as APPENDIX 1 are approved, and be it further

Resolved, that Council staff take the necessary steps to have the revised ADA *Code of Ethics* be posted on ADA.org and printed for distribution.

Resolved, that the noted text revisions to the *Governance and Organizational Manual of the American Dental Association* (ADA Governance Manual) attached as APPENDIX 1 are approved, and be it further

Resolved, that Council staff take the necessary steps to finalize the formatting of the document and have the revised ADA *Governance Manual* be posted on ADA.org and printed for distribution.

Item 6.1.1 Report on the Review of ADA Policies Over Which CEBJA Is Named as a Primary and Secondary Reviewer—Secondary reviews on rescissions of policies proposed by the Council on Communications, the Council on Scientific Affairs, and the Council on Dental Education and Licensure conducted by the Administrative and Policy Review subcommittee.

Item 6.1.2 Report of Administrative and Policy Review Subcommittee on Editorial Gender Revisions—Revisions to the *Current Policy Manual* and the *Manual of the House of Delegates* to replace gender-specific references with gender-neutral references to foster appropriate inclusivity. Changes were conducted by the Administrative and Policy Review subcommittee and deemed by the Speaker of the House of Delegates to be editorial and conforming to the Association’s policies on diversity, equity and inclusion.

Resolved, that the amendments to foster inclusivity and editorial edits illustrated in Appendix 5 to the summary and report of the Administrative and Policy Review subcommittee be adopted pursuant to the provisions of Chapter VIII., Section K.6.b.ii. of the *Governance Manual*, and be it further

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

Resolved, that the amendments to foster inclusivity illustrated in Appendix 6 to the summary and report of the Administrative and Policy Review subcommittee be adopted pursuant to the provisions of Chapter VIII., Section K.6.b.ii. of the *Governance Manual*, and be it further

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

Item 6.1.4 Report of Administrative and Policy Review Subcommittee Regarding Adoption of a Council Logo—Development and adoption of a logo for CEBJA to mark items developed by the Council as well as items that market or advertise the Council and items developed by it.

Resolved, that the Council on Ethics, Bylaws and Judicial Affairs approves the development of a logo for the Council, and be it further

Resolved, that any volunteer or CEJBA team member wishing to have a logo design considered for selection as the CEBJA logo submit the design by May 15, 2023 to the CEBJA staff; and be it further

Resolved, that the Administrative and Policy Review subcommittee consider all the logo designs submitted and present the three logos that the subcommittee perceives as the most appropriate designs to represent the Council to the Council at its July meeting for further action.

Item 6.1.5 Report of Administrative and Policy Review Subcommittee on Matters of Unfinished Business—Planning of the Council’s 2024 self-assessment report to take place during the Administrative and Policy Review subcommittee’s meetings in May and June in accordance with 1H-2013, Council, Commission and Committee Self-Assessments. Subcommittee will consider whether to continue utilizing the survey instrument that has been used for the Council’s self-assessment reports in 2014 and

2019, or whether a new mechanism for collecting the data needed for the report should be constructed.

Item 6.2.1 Report on Conforming, Editorial and Gender Neutral Edits to the ADA Bylaws, Governance Manual and Manual of the House of Delegates—Very minor formatting, punctuation and grammatical revisions to the ADA's *Bylaws* and *Governance Manual*, beyond those changes adopted by mail ballot (see Item 3.5).

Resolved, that the conforming, punctuation, grammar, spelling and syntax, change names and gender references to the *ADA Bylaws* found in Appendix 3 be approved, and be it further

Resolved, that the conforming, punctuation, grammar, spelling and syntax, change names and gender references to the *ADA Governance Manual* found in Appendix 4 be approved.

Item 6.2.3 Report of the Bylaws Subcommittee on the Review of the Delivery Requirements under the Judicial Procedures Found in the Governance Manual—Reconsideration of method of delivery of notices, decisions and other communications to the parties from the Council or panels formed of Council members under Chapter XI. of the *Governance Manual*, from its current requirements of certified mail and return receipt to some method more current and convenient to all parties. Subcommittee will provide a status report on this matter at the July 2023 Council meeting.

Item 6.3.1 Status Report on the Development of "Ethics Toolkit" Ethics Programming Modules—Naming and launch of initiative to package Ethical Moment articles, Dental Dilemmas™ podcast episodes, and Presentation and Discussion Guides as individual units for use by third parties to deliver continuing education courses.

Resolved, that the formal name of the "Ethics in a Box" concept developed by the Ethics and Continuing Education subcommittee of the Council shall be "Ethics Toolkit."

Resolved, that Council staff and appropriate Council volunteers from the Ethics and Continuing Education subcommittee meet with representatives of the ADA Department of Continuing Education and Advisory Committee on Annual Meetings regarding the "Ethics in a Box" concept and how best to promote the availability of the completed editions of the "Ethics in a Box" concept to potentially interested agencies.

Item 6.3.2 Status Report on Development of Continuing Education Programming for SmileCon® 2023, Orlando, Florida—Report of Ethics and Continuing Education subcommittee's progress in submission of proposal to Continuing Education and Learner Experiences group to deliver courses on Treatment of Geriatric Patients and Treatment of Pediatric Patients at SmileCon® 2023, in a manner that improves upon the attendance numbers and attendees' experience at the 2022 SmileCon®.

Item 6.4.1 Status Report on Ethical Moment Submissions to JADA—Presentation of number of Ethical Moment articles published in *JADA* since October 2022, as well as status of articles undergoing review or revision and need for additional article submissions to maintain successful pipeline for publication.

Item 6.4.2 Status Report on Dental Dilemmas™ Podcast Development and Release—

Discussion of successful completion of Dental Dilemmas™ podcast's first season, planning and launch of second season, metrics showing its listenership to date, and attempts at and need for marketing the podcast to expand its listenership.

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

Educational Presentation on Artificial Intelligence: Dr. Robert Faiella, former president of the American Dental Association, led a discussion of the current and potential uses of artificial intelligence in the dental field, including its benefits, outcomes, and limitations. Following his presentation, Dr. Faiella entertained questions concerning its affordability, its actors, its accuracy, and its ethics. The Council explored the ideas from the presentation and ethical questions that issued from the content of the presentation. Finally, the Council brainstormed potential topics and ethical questions for later development into Ethical Moment articles and volunteered as authors to develop articles from that list.

Leadership Presentation on Ambassadorship: Dr. Peters led a workshop for Council members highlighting the idea of Ambassadorship for those in leadership roles and detailing both the need for strengthening relationships among component and constituent societies as well as providing practical methods for fostering such relationships. She challenged Council members to identify actions that they could take to reach out to component and constituent societies within their districts in coming weeks.

Executive Director's Update: Dr. Cohlmia delivered his Defining Our Future presentation, detailing that the ADA's governance structure will be streamlined. He highlighted a change in demographics as well as the need for "constructive rebels." Dr. Cohlmia presented the ADA's core statement, "We Make People Healthy," and outlined the ADA's five customer groups as well as its goals. He discussed how strategic forecasting will facilitate synergy among the ADA's House of Delegates, councils, board of trustees, and staff. Finally, Dr. Cohlmia responded to questions from the Council concerning its continuing education courses, podcast, mental health of dental professionals, and CEBJA's role in a transformed ADA.

President's Presentation: Dr. Shepley spoke of this as being a transformational year, with both business and cultural shifts. He detailed the current status of the strategic forecasting initiative, whereas its guiding groups are taking shape. Dr. Shepley looks to a larger presence at Lobby Day.

President-Elect's Presentation: Dr. Edgar delivered a brief presentation, encouraging feedback and entertaining questions from the Council. She particularly encouraged the questions, "What is bothering you?" and "What would you like to see us do?" Dr. Edgar declared that councils form the basis for new ideas at the organization and provided her contact information for any further inquiries.

Chief Operating Officer's Presentation: Mr. Quashie discussed how the Agile Project Management and Strategic Forecasting methodologies being implemented could make the ADA less reactive and more proactive. He discussed doing fewer things better. Mr. Quashie detailed the shift to customer group portfolios and to quarterly business reviews. He alluded to CEBJA's initiatives in general and its podcast in particular, as to alignment between member objectives and outcomes.

Chief Strategy Officer's Presentation: Dr. Preble spoke of strategic alignment of councils as well as the need to pursue initiatives that have impact. He emphasized the need to measure such impact, as this is

to be prioritized across the enterprise. Dr. Preble proposed that ethics is layered across all aspects of the ADA and as such, he challenged the Council to envision how to direct its efforts accordingly. He pointed to the Public and Professional Group's monthly meetings as a starting point for implementing such a vision and addressed questions from the Council.

Council on Advocacy for Access and Prevention Director's Presentation: Ms. Grover proposed a collaboration between CAAP and CEBJA to seek improved methods to connect patients with care. She cited the ethical principle of Justice and the opportunity that the age one dental visit presents in promoting health equity. Council members asked questions of and presented ideas to Ms. Grover, related to her proposition.

COUNCIL LEADERSHIP AND STAFF REPORTS

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

Report of the New Dentist Committee Member: Dr. Purvis summarized the March-April Meeting of the New Dentist Committee, including reasons for member renewals, engagement of new dentists, the importance of equal representation, and the success of educational sessions on ethics and mental health.

Report of the ASDA Liaison: Mr. Koutrakis reported to the Council on the ASDA annual meeting, including its three-year strategic plan, Dentist and Student Lobby Day, and the spring council and board of trustees meeting.

Report of CEBJA Liaison to the Council on Dental Education and Licensure: Dr. West discussed effective and ineffective initiatives for the Council. She conveyed discussion about that Continuing Education is being diluted, despite CEBJA's courses at SmileCon 2022® having been examples of success. Council members asked about potential topic ideas. Dr. West encouraged the Council to consider developing webinars. A motion was made and seconded.

Resolved, that CEBJA will explore developing webinars on topics of concern in ethics.

Report on Member Conduct Case: Dr. Burton provided a general mention of the investigation and hearing phases of a member conduct case involving a former CEBJA member. Mr. Elliott conveyed that an email was received from the complainant inquiring about whether they have the right of appeal, as the *Governance Manual* does not explicitly speak on that subject. Council members questioned whether allowing such an appeal would amount to double jeopardy for the accused member. Ms. Wils advised that the Council adhere to the contents of the *Governance Manual* in any response to the complainant's inquiry.

Report of the Senior Associate General Counsel: Ms. Albrecht discussed harassment and discrimination as being a product of predictive information processing and emphasized the need for civility in group interactions.

District Report Updates: Responses from districts were included in appendix materials and referenced. Dr. Grant asked whether district executive directors could be made more aware of district report surveys, a point which Dr. Burton indicated would be addressed in Dr. Peters' presentation on Ambassadorship.

COUNCIL BUSINESS

Administrative and Policy Review Subcommittee Reports:

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

Regarding Item 6.1.3, the Council reviewed the proposed revisions to the Council's Mission and Visions statements and, on motions duly adopted and seconded, adopted the proposed revisions recommended by the Administrative and Policy Review subcommittee.

Resolved, that the Council adopts the following Mission Statement in place of the current mission statement of the Council:

CEBJA is the ADA agency charged with reviewing governance language, including *Bylaws*, officiating in judicial procedures, and promoting the ADA *Principles of Ethics and Code of Professional Conduct*.

Resolved, that the Council adopts the following Vision Statement in place of the current vision statement of the Council:

CEBJA is dedicated to enhancing the ethical conscience of dentists by promoting the highest ethical and professional standards in the provision of oral health care to the public.

Following a review and discussion of the proposed Core Values Statement contained in Item 6.1.3, on motion duly adopted seconded and approved, the Core Values Statement will be returned to the subcommittee for further consideration.

Bylaws Subcommittee Reports:

Items 6.2.1 and 6.2.3 were 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. Following discussion, it was duly moved and seconded that these matters be returned to the subcommittee for further consideration. The motion was adopted by vote of the Council.

Ethics and Continuing Education Subcommittee Report:

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

Ethical Moment and Dental Dilemmas™ Podcast Subcommittee Report:

Items 6.4.1 and 6.4.2 were motioned and seconded on consent (including any Resolutions contained therein).

Status of the Student Ethics Video Contest: Council Director explained the contest and its process. He explained his establishment of contact with the Student Professionalism & Ethics Association in Dentistry (SPEA), which has led to that organization co-sponsoring the contest with CEBJA. The Council discussed the difficulty in contacting the ASDA and proposed methods to address any such problems.

Election of Vice Chair: Dr. Burton spoke about the process electing a Vice Chair and responsibilities of that role, which includes attending all subcommittee and CL2 meetings. Mr. Elliott added that the role includes oversight over the Dental Dilemmas™ podcast. The election is to be held in July.

NEW BUSINESS

Revisions to Minutes of 2022 House of Delegates: The Council identified and approved the revision of six (6) gender references in the minutes of the meetings of the 2022 House of Delegates in order to conform to the diversity, equity and inclusion policies of the Association. The Council will report the approved amendments to the 2023 House of Delegates pursuant to Chapter VIII, Section K.6.b.iii. of the *Governance Manual*.

FOR THE GOOD OF THE COUNCIL

The members of the Council, Dr. Edgar, and the Council Staff participated in the traditional For the Good of the Council closing of the meeting.

ADJOURNMENT

On motion duly seconded, there being no remaining business on the Council's meeting agenda, the chair declared the meeting adjourned at approximately 12:15 pm on April 28, 2023.