

**Council on Ethics, Bylaws and Judicial Affairs
Unofficial Report of Major Actions
March 25-26, 2021 Meeting**

The Council met via videoconference on Thursday and Friday, March 25-26, 2021, during which it considered and discussed the following matters and took the following major actions:

1. Dr. Meredith A. Bailey, council vice chair and chair of the administrative and policy review subcommittee, reported that, under 170-2012 (Regular Comprehensive Policy Review), the council has no policies up for review this year for which it has primary responsibility. Dr. Bailey reported that the council is listed as a secondary reviewer on five policies to be reviewed this year, that the subcommittee reviewed those policies and recommended to the council that none needed revision in the areas for which the council has responsibilities. Upon review and discussion, the council adopted the subcommittee's recommendations.
2. Dr. Bailey also reported that the council has prepared several statements concerning various aspects of ethics and providing detailed explanations of the application of ethical principles to events and scenarios occurring in dentistry. The subcommittee recommended that the council adopt a review schedule to ensure that the policies undergo a systematic periodic review, and suggested a four year review cycle for the policies. The recommendation for periodic review was adopted by the council.
3. The council was given a status report on its annual Student Ethics Video Contest and was told that marketing material for the 2021 contest was under development and that the contest would be announced in the near future. The council then discussed ideas for increasing the visibility of the contest within the dental schools, and council members were asked to take whatever steps they could to promote and publicize the contest within the constituent and component societies and with the dental schools in their districts. The council also viewed the [grand](#) prize and [honorable](#) mention videos from 2020 that were awarded to students from the University of Florida College of Dentistry.
4. The council engaged in a discussion of recent events and trends that have impacted the profession of dentistry and the ethical implications resulting therefrom. Among the issues discussed were the question of vaccinations and whether dental staff and patients can be required to be vaccinated by a dental practice, the use of artificial intelligence and machine learning in the practice of dentistry and the ethical implications of the possible transformation of the Medicare system into a "healthcare for all" system. The topics addressed by the administrative and policy review subcommittee will be

disseminated to council members for consideration as bases for Ethical Moment articles.

5. The Council received a report from the bylaws subcommittee concerning the request that has been received to review the recitation of the duties of the Treasurer that appear at Chapter VI, Section 90.F. of the *ADA Bylaws* and provided its feedback concerning potential revisions and the need for robust review to any recommended revisions by interested parties prior to presenting recommended revisions to the House of Delegates.
6. The bylaws subcommittee through its chair, Dr. Jill M. Burns, presented a recommendation to revise Resolution 64H-2020 that was referred back to the council by the Speaker's special order of referral at the 2020 House of Delegates. Following review and discussion, the council adopted the recommended revisions.
7. Dr. Burns also reported to the council that the bylaws subcommittee reviewed the provisions in the *Governance and Organizational Manual of the American Dental Association* ("*Governance Manual*") relating to the time within which a special session of the House of Delegates must be convened following receipt of a request for a special session and determined that no action was needed to amend those provisions.
8. Dr. Burns also reported that updates to the *ADA Bylaws* and the *Governance Manual* have been completed up to and including the conforming revisions unanimously adopted by the council in early March 2021, that PDF copies are now available online and that printed copies have been received by staff and will be distributed to the council in the near future.
9. Dr. Clark, chair of the continuing education subcommittee, reported on the activities of the subcommittee, including its involvement in the drafting of the council's vaccination white paper draft and the status of the subcommittee's discussions with staff concerning an ethics continuing education offering at the annual meeting. After discussion, the continuation subcommittee was directed to continue its work on an offering based on unconscious bias and to develop a webinar on that subject.
10. The continuing education subcommittee was asked by the council to consider and study the feasibility of using videos from the Student Ethics Video Contest during the annual meeting and to solicit the opinions of the Council on Annual Meetings on such use.
11. Dr. Jonke, chair of the ethics subcommittee, led a discussion of the draft of the vaccination white paper that had been distributed to the council and the list of recommendations that will be provided with the paper when it is published. Council members were urged to quickly submit comments on the draft to be considered for inclusion into a final draft of the paper. It

was reported that the paper will be finalized and distributed in the very near future given its relevance to the current state of the pandemic in the United States. To expedite finalizing the paper, the Council authorized the subcommittee to make final revisions and approve the final draft of the white paper.

12. The council engaged in a lengthy and detailed discussion of the comprehensive ADA policy on teledentistry that was passed by the House of Delegates as Resolution 165-2020. The council expressed concern that the policy as adopted may force dentists to abandon patients seeking treatment via teledentistry and thus be contrary to the ethical principle of patient autonomy under the ADA *Principles of Ethics and Code of Professional Conduct* and also the teledentistry policy may be contrary of other ADA policy (e.g., Legislation to Guarantee Patient's Freedom of Choice of Dentist (*Trans*.1995:631). The council committed to engaging in dialogue with other interested agencies such as the Councils on Dental Practice, Governmental Affairs and Advocacy for Access and Prevention to enlist support for further amending the ADA's teledentistry policy.
13. Insurance companies' practices of the rating or scaling of dentists was brought to the attention of the council as perhaps raising ethical issues. Following discussion, the council requested that additional information about the mechanisms used by payers be developed so that the council could knowledgeably and accurately access such practices.
14. The council received a presentation from the Executive Director, Dr. Kathleen T. O'Loughlin, concerning the ADA's recovery from the pandemic and the emphasis that the ADA is placing on segments of the dental profession (e.g., women, young, ethnically diverse and employed dentists). Dr. O'Loughlin also urged the council to consider the ADA core values when addressing issues and making decisions. The council chair, Dr. Robert J. Wilson, Jr., assigned the duty of integrating consideration of the ADA's core values into the strategic plan review conducted by the administrative and policy review subcommittee.
15. The council received a report and presentation from Dr. H. Charles McKelvey and Ms. Dawn McEvoy, of the Advisory Committee on Annual Meetings and Ms. Kelly Wang from the Division of Conference and Meeting Services concerning the reimagination of the ADA annual meeting and adoption of SMILECON™ as the meeting brand.
16. The council received and report and presentation from Dr. Jennifer Meeske, chair and Dr. Jane Grover, director, of the Council on Advocacy for Access and Prevention regarding a resolution being forwarded to the House of Delegates concerning reducing health care disparities to promote equity and social justice in health care and how that resolution is

supported by the ADA *Principles of Ethics and Code of Professional Conduct*.

17. Staff was requested to compile data received from the periodic reports received from state societies for distribution to the council for review. Staff was also requested to forward state society reports to the relevant council member when the reports are receive.