



NOTICE TO ACTIVE AND LIFE MEMBERS

Constitution and Bylaws Amendments before the 2018 General Assembly

These amendments will be considered the AAPD Annual Session in Honolulu, Hawaii during the Reference Committee hearings and the General Assembly.

Note to readers: All line numbers reference the current AAPD Constitution and Bylaws as printed in the 2018 Membership Directory.

~~Strikethrough~~ words are to be removed; **bold underlined** words are to be added.

CLARIFICATION OF RECOGNIZED CHAPTERS TO INCLUDE PEDIATRIC DENTAL ORGANIZATIONS BASED IN OTHER COUNTRIES

The following proposed change to the Constitution and Bylaws was prepared by the Constitution and Bylaws Committee at the request of the Board of Trustees.

Background: While the AAPD provides Directors and Officers Liability Insurance to all “recognized chapters” and such coverage applies worldwide, the current Bylaws are not clear on the status of organizations that are not U.S.-based districts or states. Prior to 1999 these were called component societies. Therefore, this proposal would clarify their status. Recognizing the long AAPD history of support for and collaborations with several foreign-based pediatric dental societies, three existing organizations would be grandfathered in as recognized chapters, along with a process for considering recognition of chapters in other countries.

An amendment would be inserted via the following new paragraph after Chapter VII (State Unit Organizations):

CHAPTER VIII. RECOGNIZED FOREIGN COUNTRY CHAPTERS

Section 1. DESCRIPTION:

A. In addition to the District and State Organizations described in Chapters VI and VII, the AAPD shall also have recognized chapters based in and representing foreign countries.

B. Such foreign country chapters shall be independent, duly incorporated, non-profit organizations governed by an adopted constitution and bylaws which shall not be in conflict with or limit the Constitution and Bylaws of the Academy, and shall be in good standing as a non-profit organization in their country.

Section 2. PURPOSE:

A foreign chapter shall:

A. Facilitate communications between that country's pediatric dentists and the AAPD Board of Trustees.

B. Provide educational opportunities for its members.

D. Advocate for the improvement of the oral health of children in their country.

Section 3. DUTIES:

A foreign chapter shall:

A. Promote AAPD continuing education courses, including the annual session.

B. Assist the AAPD in the recruitment and retention of dentists eligible for AAPD international or international colleague membership who practice or reside in their country.

C. Provide an annual report to the AAPD membership on activities of the chapter.

Section 4. MEMBERSHIP:

A. The chapter shall determine its membership categories and eligibility as it deems appropriate, including dues level.

B. Any AAPD international member residing or practicing in the country of the foreign chapter shall be eligible for membership in such chapter.

Section 5. PROCEDURE FOR APPLICATION:

A. The following foreign country pediatric dental organizations are designated as chapters so long as criteria described in this chapter continues to be met: Canadian Academy of Pediatric Dentistry; Korean Academy of Pediatric Dentistry; and Mexican Academy of Pediatric Dentistry.

B. An application for a recognized foreign chapter shall be submitted to the AAPD Board of Trustees. Chapter status shall be granted by a majority vote of the District Board of Trustees.

Re-letter subsequent chapters.

CLARIFICATION OF CREDENTIALS AND ETHICS PROCEEDINGS

The following proposed changes to the Constitution and Bylaws were prepared by the Constitution and Bylaws Committee at the request of the Board of Trustees

Background: It was recognized that in some situations regarding AAPD membership status, a hearing of the Credentials and Ethics Committee should not be required if the AAPD membership action was based on a decision by a state licensing board. Legal advice was also given that reference should be made to licensure status under AAPD membership requirements.

An amendment would be inserted in Chapter 1 (Membership):

114 CHAPTER I. MEMBERSHIP . . .

120 Section 2. **ELIGIBILITY:**

121 A. **ACTIVE:** An ethical dentist may be considered for Active
122 membership provided the applicant:

123 1. Is a member of the American Dental Association, Canadian
124 Dental Association, or a recognized foreign dental association
125 at the time of application. Active members are strongly encouraged
126 to maintain membership in the American Dental Association,
127 Canadian Dental Association, or a recognized foreign dental
128 association.

129 2. Meets the educational requirements of the Commission on
130 Dental Accreditation of the U.S. or Canada for the announcement
131 of ethical practice in pediatric dentistry or has achieved board
132 certification from the American Board of Pediatric Dentistry. An
133 applicant for Active membership who announced ethical practice in
134 pediatric dentistry prior to January 1, 1965, is eligible for consider-
135 ation for membership without two (2) years of approved advanced
136 education in pediatric dentistry.

3. In the case of an Active, Life, or Affiliate member, maintains a valid license to practice dentistry in at least one state or province.

137 **3 4.** Is approved by the Credentials and Ethics Committee.
An amendment would be inserted in Chapter XIII (Code of Professional Conduct and Judicial Procedures)

1300 CHAPTER XIII. CODE OF PROFESSIONAL 1301 CONDUCT AND JUDICIAL PROCEDURES

1302 Section 1. **CODE OF PROFESSIONAL CONDUCT:** The *Prin-*
1303 *ciples of Ethics* of the American Dental Association and the *Ad-*
1304 *visory Opinions* appended thereto shall govern the professional
1305 conduct of all members of the Academy, except in those in-
1306 stances requiring a variance in interpretation of a “Principle” or
1307 “Advisory Opinion” which is deemed essential to the govern-
1308 ance of the Academy. Such variances shall be published with
1309 the Bylaws of the Academy.

1310 Section 2. **PLEDGE:** Every member of this Academy shall
1311 pledge to adhere to the Code of Professional Conduct of the
1312 Academy.

1313 Section 3. **DISCIPLINE:** This Academy shall have the right to
1314 discipline any of its members who may be adjudged guilty of
1315 unprofessional conduct or violation of its Code of Professional
1316 Conduct or its Bylaws, and may impose the following:

1317 A. **CENSURE:** Upon conviction of a charge which constitutes a
1318 violation of a provision of the Bylaws, the Principles of Ethics of
1319 the American Dental Association, or the accepted rules of
1320 moral conduct, a member may, at the discretion of the Creden-
1321 tials and Ethics Committee, be censured. Such censure shall be
1322 entered in the member’s record and shall remain in force until
1323 such time that the member submits satisfactory evidence of the
1324 institution of acceptable corrective measures, providing such
1325 correction shall occur within a period of three (3) months fol-
1326 lowing conviction.

1327 B. **SUSPENSION:** Failure to institute acceptable corrective
1328 measures within the stipulated period of time associated with
1329 censure may, at the discretion of the Credentials and Ethics
1330 Committee, result in the suspension of all the member’s rights
1331 and privileges associated with Academy membership. Such
1332 suspension shall remain in force for no longer than six (6)
1333 months; its termination shall be at the discretion of the Creden-
1334 tials and Ethics Committee pending submission of satisfac-
1335 tory evidence of corrective measures. Failure to submit such
1336 evidence shall result in expulsion.

1337 C. **EXPULSION:** A member shall be expelled for failure to com-
1338 pply with the Bylaws provision relative to the payment of dues
1339 and assessments; and for such other specifically stipulated vio-
1340 lations as are deemed of sufficient gravity by the Credentials
1341 and Ethics Committee to warrant expulsion, provided the
1342 member has elected to exhaust all avenues of appeal, or after
1343 due notice, fails to do so.

1344 Section 4. **JUDICIAL PROCEDURE:**

1345 A. **ADVISEMENT:** In the event that the Academy has been ad-
1346 vised, directly or indirectly, that a member of the Academy has
1347 been found guilty, by a member’s component or constituent
1348 dental society or a duly authorized licensing agency, of unethical
1349 conduct in practice or in other professional relationships, or
1350 is accused of such conduct, in writing, by an Academy coun-
1351 cil/committee or a member, it shall be the duty of the Creden-
1352 tials and Ethics Committee to obtain a certified copy of the al-
1353 leged conviction and the charges associated with it. In the case
1354 of action initiated by an Academy committee or member, the
1355 Credentials and Ethics Committee shall obtain, in writing, a
1356 detailed specification of the alleged violation(s).

1357 Having obtained the foregoing information, the committee
1358 shall determine whether, in its opinion, justification exists for
1359 instituting a formal hearing to properly dispose of the matter.
However, a hearing shall not be required if the committee’s action is based on a decision made by a state or provincial dental licensing board that results in the suspension or termination of the dental license of an Active, Life, or Affiliate member. In such case, the decision shall go directly to the Board of Trustees for review as described in paragraph E.

1360 B. **HEARING:** Hearings shall be held at the location of, and
1361 immediately prior to, the ad interim or annual meeting of the
1362 Board of Trustees. The accused member shall be entitled to a
1363 hearing before the Credentials and Ethics Committee at a time
1364 set by the committee, at which the accused member will be
1365 given the opportunity to present a defense to all charges
1366 brought against the member. All proceedings shall be recorded and
1367 preserved.

1368 C. **NOTICE:** The accused member shall be notified, in writing,
1369 of the charges brought against the member and of the time and
1370 place of the hearing. Such notice shall be sent by registered
1371 mail, addressed to the member's last known address, not later
1372 than thirty (30) days prior to the date set for the hearing.

1373 D. **CHARGES:** The written charges shall include a certified
1374 copy of the alleged conviction or determination of guilt, if any,
1375 specification of the Bylaw(s) or ethical provision(s) alleged to
1376 have been violated, as the case may be, and a description of the
1377 conduct alleged to constitute each violation.

1378 E. **DECISION:** The decision, following the hearing (**if**
1379 **applicable**), shall be subject to the review and approval of the Board of Trustees.
1380 Every decision, whether for acquittal, censure, suspension, or
1381 expulsion, shall be presented in writing and shall specify the
1382 charges made against the member, the facts presented in sub-
1383 stantiation or refutation of the charges, the verdict rendered,
1384 and the penalty, if any, imposed. Following the review and
1385 approval by the Board of Trustees, notice of the decision shall
1386 be sent by registered mail to the accused member no later than
1387 ten (10) days subsequent to the Board's action. Such notice
1388 shall also inform the accused member of the right of appeal.

1389 F. **APPEAL:** The member may appeal the decision of the com-
1390 mittee and the Board of Trustees by filing a statement of par-
1391 ticulars with the Chief Executive Officer no later than sixty (60)
1392 days after the date of the mailing of the decision, accompanied
1393 by a request for a hearing before the Appeals Board.

1394 G. **APPEALS BOARD:** The Appeals Board shall be composed of
1395 three (3) past Presidents who are not on the Board of Trustees.
1396 All decisions shall be stayed pending appeal. All notice and
1397 hearing requirements shall be applicable to appeals to the Ap-
1398 peals Board. The Appeals Board shall hold its hearing at the
1399 next annual session following receipt of notice of appeal. The
1400 decision of the Appeals Board following the appeal hearing
1401 shall be final.

1402 Section 5. **HOLD HARMLESS:** Every member of this Acad-
1403 emy does waive the right to hold the Academy, its trustees,
1404 officers, members, and/or employees responsible for any dam-
1405 age, pecuniary or otherwise, which may result from conviction
1406 and discipline associated with disciplinary proceedings against
1407 said member.

TECHNICAL CORRECTION CONCERN TRUSTEE MEMBERSHIP REQUIREMENTS

The following proposed changes to the Constitution and Bylaws were prepared by the Constitution and Bylaws Committee at the request of the Board of Trustees

Background: It was recognized that current language describing trustee membership requirements is inaccurate as related to the affiliate trustee.

554 CHAPTER V. BOARD OF TRUSTEES . . .

607 Section 4. **QUALIFICATIONS:** A member of the Board of
608 Trustees shall be an Active or Life member of the Academy in
609 good standing and members of their District Organization and
610 State Unit. The Chief Executive Officer may be excluded from
611 these requirements. **The Affiliate Trustee shall be an Affiliate member of the Academy in good standing and an Affiliate member of their District Organization and State Unit if such membership category is provided.**

The AAPD Constitution & Bylaws were originally adopted in 1984 and the current version, as amended through 2017, is printed in your *Membership Directory* and posted online under Member Resources.



Did You Know