



Code of Professional Conduct and Discrimination and Harassment Policy

Chapter 18: Standards of Conduct

18.1 Code of Professionalism and Professional Conduct

- Professionalism refers to the set of behaviors, values, and attitudes that are expected of dental professionals in their interactions with patients, colleagues, and society at large to promote ethical practice and uphold the integrity of pediatric dentistry. Professionalism encompasses a range of qualities, including empathy, integrity, respect, and accountability, as well as the ability to communicate effectively, work collaboratively, and maintain a high level of clinical competence.
- Professional conduct refers to the specific actions and behaviors that are considered appropriate and ethical for dentists. Dentists are expected to comply with the ethical and professional standards of care such as obtaining informed consent from patients, maintaining confidentiality, avoiding conflicts of interest, and upholding the principles of patient autonomy, nonmaleficence, beneficence, justice, and veracity.
- Professionalism and professional conduct are both essential for ensuring that patients receive high-quality, safe, and compassionate care and play an important role in building trust between patients and dentists, and in maintaining the integrity and reputation of the dental profession.
- An ABPD applicant, candidate or diplomate is expected to act in patients' best interests, take appropriate care of themselves, uphold the highest standards of professionalism and professional conduct, represent their ABPD certification and continuing certification status in a professional manner, be committed to evidence-based dental practice, and maintain competence through continuing certification.
- As a measure of professionalism, professional standing, and professional conduct, ABPD relies on the annual review of licensure and credentials in accordance with its ADR procedures described in Chapter 14 and the obligation of applicants, candidates and diplomates to notify the ABPD within thirty (30) days of any action against their license or credentials to practice dentistry.

18.2 Procedures for the Enforcement of Professionalism and Ethical Obligations of Applicants, Candidates, and Diplomates

18.2.1 Purpose

These procedures are designed to assist in promoting the highest level of professional conduct by diplomates, candidates, and applicants of ABPD and resolving disputes related to allegations of misconduct against diplomates, candidates, and applicants of ABPD. They are intended to resolve disputes and allegations in an expeditious manner while at the same time afford the diplomate, candidate, or applicant a fair opportunity to rebut them.

18.2.3 Ethics Committee

The Ethics Committee described in Section 5.2.2 shall enforce the Code of Professionalism and Professional Conduct. The Ethics Committee shall have all such powers and duties as established herein as well as all powers reasonably necessary to perform those duties. The Ethics Committee shall have the flexibility to conduct its business in a manner that it determines is most appropriate to achieve its objectives, which shall be consistent with the policies and procedures set forth herein.

18.2.4 Revocation of Certification; Restriction of License

- ABPD diplomates, candidates, and applicants must hold an active, unrestricted license to engage in the practice of dentistry in all states and territories in which they are licensed, subject to the exceptions described herein.
- A license shall be deemed “restricted” for purposes of this policy if a licensing jurisdiction or State Dental Board has taken any of the following actions against it:
 - Revocation or the license has been surrendered in lieu of revocation;
 - Suspension;
 - Subjected to special conditions or requirements that are still in effect (e.g., supervision or practice restrictions), regardless of whether the conditions are the result of a voluntary agreement between the dentist and State Dental Board.
- Upon receipt of notice that the license of a diplomate, candidate, or applicant has been restricted, as herein defined, ABPD has the authority and may at its discretion undertake disciplinary proceedings, consistent with due process, to revoke the diplomate’s board certification or candidate’s or applicant’s status.
- Revocation of a certification and/or status based on a diplomate, candidate, or applicant’s failure to meet minimum requirements by having a restricted license is a final decision not subject to further appeal or review.
- After revocation of a diplomate’s board certification or a candidate’s or applicant’s status and the license is no longer restricted, reinstatement is at the discretion of ABPD.

18.2.5 Investigation and Hearing of Disciplinary Matters

A. *Initiating and Conducting Proceedings*

- Complaints and allegations of misconduct by or against a diplomate, candidate, or applicant shall be directed to the Ethics Committee Chair.
- After receiving a dispute or allegation, the Ethics Committee Chair shall select one current ABPD Director (not a member of the Ethics Committee), or a past Director in the event that a member(s) of the current ABPD board has/have a potential conflict of interest associated with the dispute or allegation, to serve on the "Investigation Team" along with the current Executive Director.
- It shall be the duty of the Investigation Team to conduct a thorough and discreet investigation of the matter before making a recommendation.
- The Investigation Team shall issue its "Findings and Recommendations" which shall include its determination regarding the dispute or allegation and any recommended sanction. The Investigation Team shall summarize in

writing the evidence which supports the Findings and Recommendations and shall send this summary to the Ethics Committee Chair.

- If the Investigation Team determines that misconduct has occurred and a sanction should be imposed so that a reasonable basis does exist for instituting a Hearing, the Chairperson of the Ethics Committee shall convene the Ethics Committee to hear the matter. The Hearing may be held in person or via simultaneous electronic communication (such as teleconference or web conference) as the Ethics Committee decides. If the Investigation Team determines that misconduct has not occurred and/or a sanction should not be imposed so that a Hearing is not necessary, the Ethics Committee shall arrange for the matter to be dismissed or deferred.
- The Investigation and Hearing process set forth in these Procedures shall not be commenced if a diplomate, candidate, or applicant lacks an active license (including but not limited to a suspended or revoked license). Instead, any such diplomate, candidate, or applicant shall automatically be removed from active status, without a Hearing, and the ABPD shall notify him or her of the same.

A. Notice

- The Ethics Committee shall send by electronic mail a Notice of Hearing informing the diplomate, candidate, or applicant that a dispute exists or that allegations of misconduct have been made against him or her and that a Hearing on the matter is to be held. The Notice shall also state the date and time of the Hearing and whether in person (location to be provided) or via simultaneous electronic communication (such as teleconference or web conference). With this Notice, a copy of the Investigation Team's Findings and Recommendations and written summary of the evidence supporting the allegations shall be sent along with a copy of these Procedures. This Notice must be mailed at least forty-five (45) days prior to the date set for the Hearing. Diplomates, candidates, and applicants are obligated to keep their contact information up-to-date to ensure receipt of such Notice.
- The diplomate, candidate or applicant must file a Response with the Ethics Committee within thirty (30) days of the date of mailing the Notice. The Response must state whether the diplomate, candidate, or applicant admits or denies the Investigation Team's Findings and Recommendations and whether the diplomate, candidate, or applicant will be appearing at the Hearing. If the diplomate, candidate, or applicant will not be appearing at the Hearing, he or she may submit documents or written materials for consideration by the Ethics Committee in its deliberations.
- The diplomate, candidate, or applicant may request in writing an extension of time for the Hearing up to an additional thirty (30) days. The Ethics Committee shall have the discretion to determine if such an extension is merited and whether to grant such an extension.
- Unless the Ethics Committee determines otherwise, the Hearing may be held at the location of a meeting of ABPD or via simultaneous electronic communication (such as teleconference or web conference).
- If the diplomate, candidate, or applicant fails to respond within (30) thirty days to a Notice of Hearing, the Ethics Committee shall issue its

Determination, including sanctions based upon the Investigation Team's Findings and Recommendations.

B. Hearing

At the Hearing:

- The Investigation Team shall present evidence supporting its Findings and Recommendations, including witnesses, documents, affidavits or other evidence. The Investigation Team shall have the burden of going forward and the burden of persuasion by a preponderance of the evidence. The Investigation Team may have an attorney present at the hearing.
- The diplomate, candidate, or applicant has the right to be present at the Hearing and shall have the opportunity to cross examine any adverse witnesses. All costs and expenses relating to the diplomate's, candidate's, or applicant's attendance (including but not limited to legal fees) at the Hearing and the attendance of witnesses on his or her behalf shall be borne by the diplomate, candidate, or applicant.
- The diplomate, candidate, or applicant may be represented by an attorney and shall have the opportunity to present his or her case, including witnesses, documents, affidavits or other evidence. The Hearing shall be conducted without regard to rules of evidence. The Ethics Committee shall have the exclusive discretion to determine whether evidence or testimony is relevant to the Hearing and the weight, if any, to be given to such evidence or testimony.
- The diplomate, candidate, or applicant may also present evidence that he or she believes should mitigate any proposed sanctions, but such evidence may be limited at the discretion of the Ethics Committee.

C. Determinations

- The Ethics Committee shall weigh all the evidence presented and issue a Determination. Determinations made by the Ethics Committee following the Hearing are final.
- The Ethics Committee shall issue its Determination, including the basis for its determination, in writing, within ten (10) days of the Hearing or at such time as it may determine if the diplomate, candidate, or applicant failed to file a timely response to the Notice of Hearing. The Determination shall be sent to the diplomate, candidate, or applicant, with a copy to the President of ABPD.
- In the event the Ethics Committee determines that there was misconduct, the Committee shall also determine what sanction it considers appropriate. The determination regarding a sanction, and the basis for such determination, shall be included as part of the Determination. In making this determination, the Ethics Committee may consider the severity of the misconduct, any prior misconduct by the applicant, candidate, or diplomate, and any other relevant factors.
- The Determination shall include a notice to the applicant, candidate, or diplomate informing him or her of the right of appeal to an Appeals Board.

E. Sanctions

- In cases of candidate or applicant misconduct, the Ethics Committee may do any of the following:
 - Exclude the candidate or applicant from further participation in the examination process.
 - Impose such conditions on that candidate's or applicant's further participation as it deems appropriate.
 - Preclude the candidate or applicant from reapplying for the examination process or impose conditions on the candidate's or applicant's right to reapply.
- In cases of diplomate and candidate or applicant misconduct, the Ethics Committee may do any of the following:
 - Letter of Warning. The Ethics Committee in its discretion may issue an appropriate letter of warning to the diplomate, candidate, applicant.
 - Reprimand. The Ethics Committee in its discretion may issue a reprimand, which may be entered on the permanent record of the diplomate, candidate, or applicant.
 - Suspension. The Ethics Committee in its discretion may suspend a diplomate's board certification or candidate's or applicant's status. Suspensions may be imposed for a definite or indefinite term. The Ethics Committee may order that a suspended diplomate, candidate, or applicant take corrective measures and document satisfactory completion of those measures within a specified period of time or risk indefinite suspension.
 - Revocation. The Ethics Committee in its discretion may revoke a diplomate's board certification or candidate's or applicant's status.

F. Non-Liability

The diplomate, candidate, or applicant shall agree that neither ABPD nor its officers, directors or agents shall be liable for any action taken or decision rendered pursuant to these Procedures.

G. Miscellaneous Procedures

- The follow principles shall apply to these Procedures:
 - Any current or past ABPD Director, or its current Executive Director, who has a conflict of interest associated with the dispute or allegation shall be automatically disqualified from serving on any of the committees described herein.
 - Past Directors of ABPD who may be asked to serve on any committees described herein shall be selected by a random process whereby all names of past Directors from the last five (5) years are placed in a pool. The mechanism by which the names are selected may vary; however, the selection mechanism shall involve the principle of randomization.

18.3

Non-Discrimination and Non-Harassment Policy

ABPD strictly prohibits any form of harassment or discrimination on the basis of race, color, religion, creed, gender, gender expression, age, national origin, ancestry, disability, marital status, sexual orientation, or military status, in any of its activities or

operations. These activities include, but are not limited to, the appointment to and termination from its Board of Directors, hiring and firing of staff or contractors, selection of volunteers, selection of vendors, credentialing of diplomates, and conduct of examinations. ABPD is committed to fostering an environment free from harassment and discrimination.

A. Reporting an Incident

- ABPD cannot address claims of discrimination or harassment unless the claims are brought to the attention of ABPD leadership. Meeting or event participants or other individuals who witness or experience inappropriate conduct at an ABPD meeting or other official ABPD event, including but not limited to the prohibited conduct described above, should report such conduct immediately to the Executive Director of ABPD, Leila Younger, at lyounger@abpd.org or (615) 432-0082. Any individual reporting such conduct is not required or expected to discuss the concern with the alleged offender, although they are encouraged to discuss the concern directly with the offender if they feel comfortable doing so.
- Anyone experiencing or witnessing behavior at an ABPD event that is an immediate or serious threat to the safety of those present, or to the public, is advised to locate a house phone at a hotel and ask for security, or to otherwise notify the authorities. Please notify any ABPD official of such a threat after you have alerted security or the authorities.
- ABPD generally lacks authority to intervene in situations that do not arise at ABPD meetings or other ABPD-sponsored events. If a meeting participant experiences inappropriate conduct or harassment at the participant's own or another institution, at their place of work, at a research facility, or online but not via ABPD-sponsored channels, that individual should use the applicable reporting channels for those particular institutions, facilities, or sites.

B. Investigation and Disciplinary Action

- ABPD reserves the right to institute disciplinary procedures following receipt of a complaint for discrimination or harassment in accordance with Section 18.2.5.
- In response to a report, ABPD will promptly and impartially investigate the facts and circumstances of any claim of inappropriate conduct or harassment under this policy and preventive measures if warranted. ABPD will make every effort to keep the reporting individual's concerns confidential and will not deliberately share personal information, other than as necessary to carry out the purpose of investigation. While complete confidentiality cannot be guaranteed, ABPD will keep the investigation and its findings as confidential as possible under the circumstances.
- ABPD may at its discretion report any incident to proper authorities, including but not limited to law enforcement. ABPD will do so if, in its sole discretion, such reporting is advisable or necessary. Nothing in this policy shall restrict or discourage any individual who experiences or is the target of conduct prohibited by this policy from reporting such conduct to the

authorities, to the extent he or she deems such a report advisable or necessary.

C. Retaliation Is Not Tolerated

Retaliation for complaints of discrimination or harassment are also considered harassment and will not be tolerated by ABPD. Retaliatory behavior will be investigated in a similar manner as initial complaints.

D. Questions about this Policy

If you have any questions regarding this policy, please contact ABPD's Executive Director, Leila Younger (lyounger@abpd.org) or Associate Executive Director Laura Leigh Blair (lblair@abpd.org).