

1 Michigan Dental Association
2 **Minutes of the Committee on Peer Review/Ethics**
3 January 21, 2022 9:00 a.m., Via Zoom Conference
4

5 **Present**

5 **Absent**

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7 Dr. Seth Griffin, chair

Dr. Jeffrey Dulude, member

8 Dr. Kristen Doxen, member

Dr. Steven Harris, member

9 Dr. Marnie Grant, member

Dr. Bonnie Patel, member

10 Dr. James Karam, member

Dr. Paul Renke, member

11 Dr. Cate Nelson, member

Ms. Sydney Kerre, UDM student consultant

12 Dr. Debra Peters, member

Mr. Danjel Popaj, UM student consultant

13 Dr. Denise Polk, member

14 Dr. Michael Maihofer, MDA board liaison (for a portion of the meeting)

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16 **Guests Present**

17 Dr. Tom Goodsell

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19 **Staff Present**

20 Ginger Fernandez, RDH, professional review and practice management manager

21 Chris Wilson, RDA, professional review & practice management specialist

22 Bill Sullivan, JD, VP Advocacy and Professional Relations

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24 **Call to Order and Welcome**

25 Dr. Griffin called the meeting to order at 9:04 a.m.

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27 **Executive Session**

28 The committee went into executive session at 11:29 a.m. so that names of individuals could be
29 discussed.

30 The committee came out of executive session at approximately 11:41 a.m.

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32 **Open Session**

33 **Discussion with Dr. Goodsell Regarding Possible Ethics Amendment on Making the**
34 **Restriction of Relationships between Dentist and Employees**

35 At the committee's May 2020 meeting Dr. Tom Goodsell addressed the committee regarding his
36 proposed amendment to the code he was planning to bring to the 2021 House of Delegates. He
37 postponed bringing his proposed amendment to the HOD in 2021 and will bring it to the HOD in
38 2022. Dr. Goodsell requested to meet with the committee at its January 2022 meeting to update new
39 committee members on his proposed amendment, that a dentist should avoid interpersonal and/or
40 sexual relationships with employees.

41 Dr. Goodsell reviewed his proposed amendment and why he believes it should be added to the ethics
42 code. He believes the MDA should have a policy addressing this issue to educate and inform the
43 members that having sexual relationships with employees is unethical behavior. Dr. Goodsell
44 believes his proposed amendment could easily be added to the code under the MDA Addition 2. G.,
45 Personal Relationships with Patients. The committee discussed with Dr. Goodsell how they do not see
46 how this type of complaint would fit within the process and scope of ethics. He believes the
47 committee is already addressing similar complaints under 2.G. and indicated the complaints would
48 come from staff members or other dentists in the office. The committee agrees with Dr. Goodsell
49 that this type of relationship is ethically and morally wrong but does not believe his proposed
50 amendment fits within the Code. They brought to Dr. Goodsell's attention that the purpose of the
51 code is for the benefit of the patient and sighted a portion of the Preamble in the code which states
52 "The American Dental Association calls upon dentists to follow high ethical standards which have the benefit of
53 the patient as their primary goal". The committee does not understand how his proposed amendment
54 to the code is for the benefit of the patient. In addition, the committee believes the language of the
55 proposed amendment does not apply to the language in 2. G. , thus not fitting within the code. The
56 committee agreed with CEBJA's opinion that 3.F.1. Professional Demeanor in the code covers this situation
57 (in a broad sense) and this issue is an office policy, HR, and/or legal issue. One thought from the committee
58 was that an MDA Association Policy may be more appropriate to achieve Dr. Goodsell's ultimate goal of
59 educating members.

60

61 The committee adopted the following resolution;

62 Resolved that the committee is not in favor of Dr. Goodsell's resolution as presented to the committee.

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65 Discussion Regarding the 2022 Ethics Workshop

66 The committee discussed the September 2022 Ethics workshop. The Committee discussed the
67 following: how Covid has impacted dental ethics. They believed this would be a good opportunity to
68 help the components feel supported and add this discussion should be added to the workshop
69 agenda. The committee also discussed referencing past Survey Monkey reports from previous
70 workshops to determine what the attendees liked and disliked. The committee asked staff to send a
71 preliminary survey to the component ethics chairs to find out what their committee would like
72 covered during the workshop. Dr. Karam suggested giving all attendees the American College of
73 Ethics and the Core Values booklet and the Most-Asked Ethics Questions by Dr. Maihofer. Dr. Peters
74 also suggested adding the delegation of duties chart in the attendee packet. At its next meeting in
75 March the committee will review the results of the survey from the component chairs, finalize the
76 workshop agenda and who will be presenting.

77

78 Discussion Regarding Representation of Fees & Treatment Plan

79 Staff informed the committee they are seeing a trend where patients are accepting treatment plans
80 they do not understand and opening large lines of credit to pay for treatment that is never started or
81 completed. The dental office is charging the line of credit in full before treatment is started. When
82 the patient decides not to begin treatment or does not complete the treatment the office is refusing
83 to reverse the monies on the line of credit thus causing the patient to pay for treatment never

84 rendered. Based on conversations the staff has had with patients, the patient indicates it is the
85 treatment coordinator or office manager pushing the treatment plan and “forcing” them to open the
86 line of credit. The committee believes it is the dentist responsibility to know what their staff is doing
87 and this type of practice falls on the dentist who is doing the treatment. The committee believes this
88 type of complaint falls under many headings of the code and can go through the ethics complaint
89 process. Dr. Peters offered to write an ADA Ethical Moment article to help educate member dentists.
90 The committee discussed looking at a Care Credit contract to see if it is legal for a dentist to charge
91 the entire treatment plan upfront. In addition, they may consult Dan Schulte to get his legal opinion.

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93 **Adjournment**

94 There being no further business, the committee adjourned at 11:29 a.m.

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