



KANSAS DENTAL ASSOCIATION

In accordance with the KDA Bylaws, you are hereby given notice that the 136th Annual Meeting of the Kansas Dental Association Membership will convene as follows:

Saturday, April 21, 2007
Holiday Inn at the Campus
1641 Anderson Ave., Manhattan, KS
1:30 – 4:00 (Approx.)

The agenda of the KDA General Membership Meeting will include a proposed amendment to the KDA Bylaws submitted by the Council on Constitution and Bylaws. The proposal will amend the KDA's current ethics structure into a more streamlined and workable procedure to be administered by the Committee on Ethics and the existing Peer Review structure. The bylaw amendment (below) will require 2/3 majority vote of those present for adoption.

CHAPTER XII - PRINCIPLES OF ETHICS AND JUDICIAL PROCEDURE

C. Section 20. DISCIPLINE OF MEMBER.

- A. CONDUCT SUBJECT TO DISCIPLINE. A member may be disciplined by their component society ~~The Kansas Dental Association's Committee on Ethics~~ for 1) having been found guilty of a felony; 2) having been found guilty of violating the dental practice act of the State; or 3) violating the Bylaws, the Principles of Ethics or the codes of ethics of the component society.
- B. DISCIPLINARY PENALTIES. A member may be placed under a sentence of censure, probation or suspension or may be expelled from membership for any of the offenses enumerated in Section 20A of this chapter.
- C. DISCIPLINARY PROCEEDINGS. Before a disciplinary penalty is invoked against a member, the following procedures shall be followed by the component society preferring charges.
 1. **REVIEW OF CHARGES.** *The Peer Review Committee of the component society will perform a review of the charges and determine if there is sufficient evidence of the alleged violation. If sufficient evidence is found, the case will be referred to the Kansas Dental Association's Committee on Ethics.*
 2. **ADVERSE DECISION OF KANSAS DENTAL BOARD.** *A dental board decision ruling against a member for a violation of the Dental Practice Act shall act as a per se violation of the Code of Ethics.*
 3. **HEARING.** The accused member shall be entitled to a hearing before the ~~Judicial Committee~~ *KDA Committee on Ethics* or similar body of their component society at which time the member shall be given the opportunity to present a defense to all charges brought against the member.
 - 2.4. **NOTICE.** The accused member shall be notified in writing of charges brought against the member and of the time and place of the hearing, such notice to be sent by registered letter addressed to the member's last known address and mailed not less than thirty (30) days prior to the date set for the hearing.
 - 3.5. **CHARGES.** The written charges shall include an officially certified copy of the alleged conviction or determination of guilt, or a specification of the Bylaws of ethical provisions alleged to have been violated, as the case may be, and a description of the conduct alleged to constitute each violation.
 - 4.6. **DECISION.** Every decision which shall result in censure, probation, suspension or expulsion shall be reduced to writing and shall specify the charges made against the member, the facts which substantiate any or all of the charges, the verdict rendered, the penalty imposed, and a notice shall be mailed to the accused member informing the member of the right to appeal. Within fifteen (15) days of the date on which the decision is rendered, a copy thereof shall be sent by registered mail to the last known

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address of each of the following parties: the accused member, and the Secretary of the component society of which the accused is a member.

- D. APPEALS. An accused member under sentence of censure, probation, suspension or expulsion for 1) having been found guilty of a felony, 2) having been found guilty of violating the dental practice act of the state or 3) violating the Bylaws, the Principles of Ethics, the codes of ethics of the component society shall have the right to appeal from a decision of the ~~component society~~ **KDA Committee on Ethics** by filing an appeal in affidavit form with the Secretary of this Association. Such an accused member or the component society concerned shall have the right to appeal in affidavit form to the ~~Judicial Council~~ **on Ethics, Bylaws and Judicial Affairs** of the American Dental Association. An appeal from any decision shall not be valid unless notice of the appeal is filed within thirty (30) days and the supporting brief is filed within ninety (90) days after such decision has been rendered. No decision shall become final while an appeal therefrom is pending or until the thirty (30) day period for filing notice of appeal has elapsed. ~~The following procedure shall be used in processing appeals to the Council on Peer Review of the Kansas Dental Association.~~
- ~~1. HEARINGS ON APPEAL. The accused member of the society concerned shall be entitled to a hearing or an appeal provided that such appeal is taken in accordance with and satisfies the requirements of Section 20D of this chapter.~~
 - ~~2. NOTICE. The agency receiving an appeal shall notify the society concerned and the accused member of the time and place of the hearing, such notice to be sent by registered letter to the last known address of the parties to the appeal and mailed not less than thirty (30) days prior to the date set for hearing.~~
 - ~~3. BRIEFS. Every party to an appeal shall be entitled to submit a brief in support of their position. The party initiating the appeal shall submit their brief to the Secretary of the component society and the Secretary of this Association within ninety (90) days of the date upon which the decision appealed from was rendered.~~
 - ~~4. RECORD OF DISCIPLINARY PROCEEDINGS. Upon notice of an appeal, the component society which preferred charges shall furnish to the Association which has received the appeal and to the accused member a transcript of, or an officially certified copy of, the minutes of the hearing accorded the accused member. The transcript or minutes shall be accompanied by certified copies of any affidavits or other documents submitted as evidence to support the charges against the accused member or submitted by the accused member as part of his defense. Where the component society preferring charges does not provide for transcription of the hearing, the accused member, at their own expense, shall be entitled to arrange for the services of a court reporter to transcribe the hearing.~~
 - ~~5. APPEALS JURISDICTION. This Association to which a decision has been appealed shall be required to review the decision appealed from to determine whether the evidence before the component society which preferred charges against the accused member supports that decision or warrants the penalty imposed. The appeal agency shall not be required to consider additional evidence unless there is a clear showing that either party to the appeal will be unreasonably harmed by failure to consider the additional evidence.~~
 - ~~6. DECISION ON APPEALS. Every decision on appeal shall be reduced to writing and shall state clearly the conclusion of this Association and the reasons for reaching that conclusion. This Association shall have the discretion to 1) uphold the decision of the component society which preferred charges against the accused member, 2) reverse the decision of the component society which preferred charges and thereby exonerate the accused member, 3) deny any appeal which fails to satisfy the requirements of Section 20D of this chapter, 4) refer the case back to the component society which preferred charges for a new proceeding, if the rights of the accused member under all applicable Bylaws were not accorded him, or 5) refer the case back to the component society which preferred charges with a recommendation to render a lesser penalty. Within fifteen (15) days of the date on which a decision on appeal is rendered, a copy thereof shall be sent by registered mail, by the Secretary of the Association, to the last known address of each of the following parties: the accused member, the Secretary of the component society of which the accused is a member, and the chairman of the Council on Peer Review of this Association.~~
- E. APPEAL TO THE AMERICAN DENTAL ASSOCIATION. An accused member shall have the further right to appeal as may be provided in the Bylaws of the American Dental Association.

Please be sure to register for the KDA Annual Meeting. I look forward to seeing you there!