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1A15  
1957  
amend

# Amendments

The following amendments to the *Bylaws* of the American Dental Association were approved by the House of Delegates at the 1957 annual session.

American Dental Association  
AUG 11 1958  
DO NOT CIRCULATE

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## CHAPTER I • MEMBERSHIP

1729 *Section 40. PRIVILEGES: (lines 192-220) Subsections G, H and*  
1730 *I deleted and the following new Sections 50 and 60 added:*

1731 *Section 50. PROFESSIONAL CONDUCT OF MEMBERS: The pro-*  
1732 *fessional conduct of every member of this Association shall*  
1733 *be governed by the Principles of Ethics of this Association*  
1734 *and by the codes of ethics of the constituent and component*  
1735 *societies within whose jurisdiction he practices.*

1736 *Section 60. DISCIPLINE OF MEMBERS. A. CONDUCT SUBJECT*  
1737 *TO DISCIPLINE: A member may be disciplined by his compo-*  
1738 *nent or constituent society for (1) having been found guilty*  
1739 *of a felony, (2) having been found guilty of violating the*  
1740 *dental practice act of a state, district, territory, dependency,*  
1741 *or country, or (3) violating these Bylaws, and the Principles*  
1742 *of Ethics of this Association, the codes of ethics of the con-*  
1743 *stituent or component societies. Members who are not*  
1744 *members of a constituent society may be disciplined by this*  
1745 *Association for the same offenses.*

1746 *B. DISCIPLINARY PENALTIES: A member may be placed under*  
1747 *a sentence of censure, probation, suspension or expulsion for*  
1748 *any of the offenses enumerated in Section 60A of this Chapter.*

1749 *C. DISCIPLINARY PROCEEDINGS: Before a disciplinary pen-*  
1750 *alty is invoked against a member the following procedures*  
1751 *shall be followed by the society preferring charges:*

1752 *a. HEARING: The accused member shall be entitled to a*

1753 hearing at which he shall be given the opportunity to  
 1754 present his defense to all charges brought against him.  
 1755 b. NOTICE: The accused member shall be notified in writ-  
 1756 ing of charges brought against him and of the time and  
 1757 place of the hearing, such notice to be sent by registered  
 1758 letter addressed to his last known address and mailed not  
 1759 less than thirty (30) days prior to the date set for the  
 1760 hearing.  
 1761 c. CHARGES: The written charges shall include an offi-  
 1762 cially certified copy of the alleged conviction or deter-  
 1763 mination of guilt, or a specification of the bylaw or ethical  
 1764 provisions alleged to have been violated, as the case may  
 1765 be, and a description of the conduct alleged to have been  
 1766 violated, as the case may be, and a description of the  
 1767 conduct alleged to constitute each violation.  
 1768 d. DECISION: Every decision which shall result in censure,  
 1769 probation, suspension or expulsion shall be reduced to  
 1770 writing and shall specify the charges made against the  
 1771 member, the facts which substantiate any or all of the  
 1772 charges, the verdict rendered, the penalty imposed, and a  
 1773 notice shall be mailed to the accused member informing  
 1774 him of his right of appeal. Within ten (10) days of the  
 1775 date on which the decision is rendered a copy thereof shall  
 1776 be sent by registered mail to the last known address of  
 1777 each of the following parties: the accused member; the  
 1778 secretary of the component society of which he is a mem-  
 1779 ber; the secretary of the constituent society of which he  
 1780 is a member; the chairman of the Judicial Council of this  
 1781 Association and the Secretary of this Association.  
 1782 D. APPEALS: An accused member under sentence of censure,  
 1783 probation, suspension or expulsion for (1) having been found  
 1784 guilty of a felony, (2) having been found guilty of violating  
 1785 the dental practice act of a state, district, territory, depend-  
 1786 ency or country or (3) violating these *Bylaws*, the *Principles*  
 1787 of *Ethics* of this Association, the codes of ethics of the con-  
 1788 stituent or component societies, shall have the right to  
 1789 appeal from a decision of his component society to the con-  
 1790 stituent society by filing an appeal in affidavit form with the  
 1791 secretary of the constituent society. Such an accused mem-  
 1792 ber, or the component society concerned, shall have the  
 1793 right to appeal from a decision of a constituent society to  
 1794 the Judicial Council of this Association by filing an appeal  
 1795 in affidavit form with the chairman of the Judicial Council.  
 1796 Such an accused member, the constituent society concerned  
 1797 or the component society concerned, shall have the right to  
 1798 appeal from a decision of the Judicial Council of this Asso-  
 1799 ciation to the House of Delegates by filing an appeal in  
 1800 affidavit form with the secretary of the House of Delegates  
 1801 (the Secretary of this Association). An appeal from any deci-  
 1802 sion shall not be valid unless filed within ninety (90) days  
 1803 after such decision has been rendered. No decision shall  
 1804 become final while an appeal therefrom is pending or until the  
 1805 ninety (90) day period for perfecting an appeal has elapsed.  
 1806 The following procedure shall be used in processing appeals:  
 1807 a. HEARINGS ON APPEAL: The accused member of the

1808 society (or societies) concerned shall be entitled to a  
 1809 hearing on an appeal, provided that such appeal is taken  
 1810 in accordance with, and satisfies the requirements of,  
 1811 Section 60D of this Chapter.  
 1812 b. NOTICE: The agency receiving an appeal shall notify  
 1813 the society (or societies) concerned and the accused mem-  
 1814 ber of the time and place of the hearing, such notice to be  
 1815 sent by registered letter to the last known address of the  
 1816 parties to the appeal and mailed not less than thirty (30)  
 1817 days prior to the date set for the hearing.  
 1818 c. BRIEFS: Every party to an appeal shall be entitled to  
 1819 submit a brief in support of his or its position. The party  
 1820 initiating the appeal shall submit his or its brief to the  
 1821 secretary of the constituent society, the chairman of the  
 1822 Judicial Council of this Association or the Secretary of  
 1823 this Association, as the case may be, within ninety (90)  
 1824 days of the date upon which the decision appealed from  
 1825 was rendered.  
 1826 d. RECORD OF DISCIPLINARY PROCEEDINGS: Upon notice  
 1827 of an appeal the society which preferred charges shall  
 1828 furnish to the agency which has received the appeal and  
 1829 to the accused member a transcript of, or an officially  
 1830 certified copy of the minutes of the hearing accorded the  
 1831 accused member. The transcript or minutes shall be ac-  
 1832 companied by certified copies of any affidavits or other  
 1833 documents submitted as evidence to support the charges  
 1834 against the accused member or submitted by the accused  
 1835 member as part of his defense. Where the society pre-  
 1836 ferring charges does not provide for transcription of the  
 1837 hearing, the accused member, at his own expense, shall  
 1838 be entitled to arrange for the services of a court reporter  
 1839 to transcribe the hearing.  
 1840 e. APPEALS JURISDICTION: The agency to which a decision  
 1841 has been appealed shall be required to review the decision  
 1842 appealed from to determine whether the evidence before  
 1843 the society which preferred charges against the accused  
 1844 member supports that decision or warrants the penalty  
 1845 imposed. The appeal agency shall not be required to con-  
 1846 sider additional evidence unless there is a clear showing  
 1847 that either party to the appeal will be unreasonably  
 1848 harmed by failure to consider the additional evidence.  
 1849 f. DECISION ON APPEALS: Every decision on appeal shall  
 1850 be reduced to writing and shall state clearly the con-  
 1851 clusion of the appeal agency and the reasons for reaching  
 1852 that conclusion. The appeal agency shall have the dis-  
 1853 cretion (1) to uphold the decision of the society which  
 1854 preferred charges against the accused member; (2) to re-  
 1855 verse the decision of the society which preferred charges  
 1856 and thereby exonerate the accused member; (3) to deny  
 1857 an appeal which fails to satisfy the requirements of Sec-  
 1858 tion 60D of this Chapter; (4) to refer the case back to the  
 1859 society which preferred charges for a new proceedings, if  
 1860 the rights of the accused member under all applicable  
 1861 bylaws were not accorded him; or (5) to refer the case  
 1862 back to the society which preferred charges with a recom-

1863    mendation to mete out a lesser penalty.  
1864    Within ten (10) days of the date on which a decision on  
1865    appeal is rendered, a copy thereof shall be sent by regis-  
1866    tered mail to the last known address of each of the follow-  
1867    ing parties: the accused member, the secretary of the  
1868    component society of which he is a member, the secretary  
1869    of the constituent society of which he is a member, the  
1870    chairman of the Judicial Council of this Association and  
1871    the Secretary of this Association.

## CHAPTER II • CONSTITUENT SOCIETIES

1872 *Section 30. POWERS AND DUTIES: (lines 246-254) Subsection*  
1873 *D amended to read:*  
1874 *D. It shall have the power to discipline any of its members*  
1875 *subject to the provisions in Chapter I, Section 60 of these*  
1876 *Bylaws.*

## CHAPTER III • COMPONENT SOCIETIES

1877 *Section 20. POWERS AND DUTIES: (lines 399-406) Subsection*  
1878 *C amended to read:*  
1879 *C. It shall have the power to discipline any of its members*  
1880 *subject to the provisions in Chapter I, Section 60 of these*  
1881 *Bylaws.*

## CHAPTER IX • COUNCILS

1882 *Section 100D. DUTIES OF COUNCIL ON DENTAL HEALTH:*  
1883 *(lines 1247-1257) Subsections a, b and c deleted and the follow-*  
1884 *ing subsections added:*  
1885    a. To study, develop and compile information on plans  
1886    and programs for increasing the availability of dental care  
1887    to all segments of the population by: (1) increasing the  
1888    capacity and efficiency of private dental practice to meet  
1889    the demand for dental care; (2) improving the methods for  
1890    meeting the costs of dental care.  
1891    b. To develop opinions and recommendations on methods  
1892    and practices related to increasing the availability of dental  
1893    care to the public and to submit such opinions and recom-  
1894    mendations to the Board of Trustees for action in con-  
1895    formity with the policies of the House of Delegates.  
1896    c. To assist the constituent and component societies and  
1897    other agencies in the development of programs and poli-  
1898    cies related to increasing the availability of dental care  
1899    to the public.

1900 *Section 100R. DUTIES OF JUDICIAL COUNCIL: (lines 1420-*  
1901 *1440) Subsection c deleted and the following subsection added:*  
1902    c. To consider appeals from members of the Association  
1903    or from component societies subject to the requirements  
1904    of Chapter I, Section 60 of these *Bylaws.*