

CODE OF ETHICS OF THE AMERICAN ACADEMY OF COSMETIC DENTISTRY®

Preamble to the AACD Code of Ethics

First and foremost, dentistry is dedicated to the health and well being of the patient. Unless we cultivate the ethical dimensions of dentistry, the patient is at risk, because practitioner/dentists have tremendous power that can be used for good or evil. Dentistry is a moral enterprise, and if we take away the ethical and moral dimensions, what remain are techniques. Dentistry is a profession because it is dedicated to something other than its own self-interests.

Each member's primary professional obligation shall be to serve the public. The competent and timely delivery of quality care within the boundaries of clinical circumstances presented by the patient, with due consideration being given to the needs and desires of the patient, shall be the most important aspect of the obligation. It is each member's further obligation to practice dentistry to the best of his/her abilities to improve the oral health of each patient.

Membership in the American Academy of Cosmetic Dentistry® provides opportunities for education, exchange of ideas, fraternization, and recognition.

Membership alone must not be permitted to imply recognition by the AACD of a member's abilities or skills in cosmetic dentistry. Such recognition occurs upon successful completion of the Academy's Accreditation and/or Fellowship programs.

Members should not misrepresent their training and competence in any way that would be false or misleading. Any member using the name or logo of the Academy in any media (including, but not limited to print, Yellow Pages, Radio, TV, stationery, business cards, brochures, on-hold messages, Internet, or any other promotional material of any kind) must be in accordance with the AACD's *Guidelines for Advertising Membership and Member Lists for the Public*. To avoid misinterpretations that a multiple doctor practice or an entire laboratory is Accredited, group practices and laboratories may only use the name of an individual who is Accredited with the AACD in accordance with AACD's *Guidelines for Advertising Membership and Member Lists for the Public*.

Further, it is the policy of the Academy that each applicant for membership and each member must formally agree to adhere to the AACD's *Guidelines for Advertising Membership and Member Lists for the Public* and the AACD's *Code of Ethics*. Applicants for membership will be required to sign a statement upon application, and members are required to sign a reaffirmation of agreement to these provisions upon renewal of their membership.

Every profession owes society the responsibility to regulate itself. Such regulation is achieved largely through the influence of the professional societies. All members, therefore, have the obligation to observe the AACD's *Code of Ethics*.

I. Code of Ethics

1. PATIENT SELECTION AND TREATMENT: While members, in serving the public, may exercise reasonable discretion in selecting patients for their practices, members shall not refuse to accept patients into their practice or deny dental service to patients because of the patient's race, creed, color, sex, sexual orientation, or national

origin. Furthermore, members shall not allow differences in culture and values to influence selection of patients, treatment of patients and/or the therapeutic relationship.

2. PATIENT RECORDS: Members are obligated to safeguard the confidentiality of patient records. Members shall maintain patient records in a manner consistent with the protection of the welfare of the patient. Upon request of a patient or another dental practitioner authorized by the patient, members shall provide any information that will be beneficial for the future treatment of that patient.

3. MEMBERS' DISCRETION: Members shall be obliged to report to their State Licensing Board instances of gross or continual faulty treatment by other practitioners. Patients should be informed of their present oral health status without disparaging comment about prior services.

4. RESEARCH AND DEVELOPMENT: Members have the obligation of making the results and benefits of their investigative efforts available to all when they are useful in safeguarding or promoting the health of the public. Members issuing a public statement with respect to the profession shall have a reasonable basis to believe that the comments made are true.

5. REBATES AND SPLIT FEES: Members shall not accept or tender "rebates," "referral fees," "split fees" or any other form of remuneration with dentists or other health care professionals.

6. REPRESENTATION OF CARE AND FEES: Members shall not represent the care being rendered to their patients in a false or misleading manner. Members shall not represent the fees being charged for providing care in a false or misleading manner.

7. PATIENT INVOLVEMENT: The member should inform the patient of the proposed treatment, and any reasonable alternatives, in a manner that allows the patient to become involved in treatment decisions.

8. CHEMICAL DEPENDENCY: It is unethical for a member to practice while abusing controlled substances, alcohol or other chemical agents that impair the ability to practice. All members have an ethical obligation to urge impaired colleagues to seek treatment. Members with first-hand knowledge that a colleague member is practicing dentistry when so impaired have an ethical responsibility to report such evidence to their State Licensing Board.

9. EDUCATION: The privilege of members to be accorded professional status rests primarily in the knowledge, skill, and experience with which they serve their patients and society. All members, therefore, have the obligation of keeping their knowledge and skill current.

10. USE OF NON-RECOGNIZED ACADEMIC DEGREE:

a. The AACD has a responsibility to our members and to the public to ensure that the information they receive through the Academy is credible and as accurate as possible. This policy, therefore, is intended to prohibit the use of non-recognized academic degrees by AACD speakers and writers.

b. AACD recognizes that non-recognized academic degrees may vary from those requiring significant academic work and professional accomplishment, to outright purchased degrees. AACD is not, and cannot, be in the business of investigating and

ruling on the validity of such degrees, and thus must bar usage and advertisement of all such degrees.

c. Non-recognized US academic degrees would include degrees and diplomas from any college, university, technical school, trade school or other academic institution in the United States not accredited by a regional accreditation body recognized by the United States Department of Education or the Council on Higher Education Accreditation. For non-US academic degrees, the institution must be accredited by the Accrediting body recognized by the Government of that country.

d. It shall be an ethical violation for any AACD member to use a non-recognized academic degree in connection with speaking or writing for AACD, as defined in this policy. This policy shall be enforced by the AACD Ethics Committee and the AACD Board of Directors. Sanctions may include being barred, temporarily or permanently, as an AACD speaker or writer, and/or revocation or suspension of membership in the Academy.

11. CONFLICT OF INTEREST:

a. As it applies to members: First and foremost and before any other considerations, the practitioner member must place the patient's interest, always and without fail, in the primary position in keeping with the 2,500 year-old Hippocratic oath. The patient comes first. Practitioner/dentists should never stray off the mark in acting in the best interest of our patients, and we should disclose any and all conflicts of interests to our patients, if they exist, so that patients clearly understand and can make informed decisions.

b. As it applies to presenters who present scientific or educational material: A member or presenter who presents educational or scientific information in an article, seminar or other program shall disclose to the participants or readers any monetary or other special interests the member (or member's family) or the presenter (or presenter's family) may have with a company whose products are promoted or endorsed in the presentation. Disclosure shall be made in any promotional material and in a presentation. Disclosure shall be made in a clear and understandable manner and always at the very beginning of a presentation. This rule also applies to non-members who present to a forum of Academy members and the disclosure of conflict of interest statement is a part of their contract to present.

c. c. As it applies to elected, appointed, or staff members of the Academy. It is important to avoid not only actual conflicts of interest (which is a situation where the individual has personal or professional interests that compete with or differ from the Academy's interests), but also avoid even the appearance of impropriety. In such actual or perceived situations, the affected individual must fully disclose the circumstances and recuse themselves from the decision-making process. In addition, elected, appointed, or staff members of the Academy are not authorized to and must refrain from making third party commercial endorsements using their elected or appointed titles or positions. Educational programs for non-dental professionals and self-practice promotion, whether or not sponsored, would be exempt from this rule as would the statement of membership status (e.g., Accredited Fellow, Accredited Member, Accreditation Candidate, Sustaining, Participating, or General Member). All elected or appointed officials of the Academy who utilize their titles in their speaking or writing (or advertisements for speaking or writing) must include a disclaimer that states: "The AACD does not endorse any products or commercial techniques. The opinions I express here are my own and should in no way be interpreted to imply that they necessarily represent those of the AACD."

12. OTHER CONDUCT SUBJECT TO DISCIPLINE: A member may be subject to disciplinary sanctions if the member is found to

have: (a) been guilty of committing a felony; (b) violated the dental practice act of the state, province or country in which the member practices; (c) violating the AACD's Code of Ethics, policies, rules, regulations and bylaws; (d) his/her license to practice dentistry either suspended or revoked by the political jurisdiction in which he/she practices; (e) displayed any conduct detrimental to the reputation or the best interests of the AACD. Any member sanctioned in any manner by a state or provincial dental board shall have an affirmative obligation to notify the AACD Ethics Committee of the fact and findings of the sanction.

II. Procedures

1. PROFESSIONAL CONDUCT: The professional conduct of the members of this Academy shall be governed by the American Academy of Cosmetic Dentistry's Code of Ethics.

2. PLEDGE: Every new applicant of this Academy, upon applying for membership, and every member upon renewing, must sign a statement pledging to adhere to the AACD's Code of Ethics, policies, rules, regulations and bylaws.

3. INITIATION OF COMPLAINTS: Complaints raising disciplinary considerations may be made by any interested party. All complaints must be submitted to the Investigating Panel of the Ethics Committee in writing and supported by sufficient corroborative evidence.

4. PRELIMINARY INVESTIGATION OF COMPLAINTS: The identity of the member being investigated is kept confidential by the Investigating Panel throughout this process. Only the Investigating Panel, the Ethics Committee Chair, and Executive Office know the identity. The Investigating Panel shall make initial investigation into complaints. It shall collect evidence of violations. It shall determine the precise nature of the conduct which is subject to criticism, whether there is any factual basis to support the alleged misconduct, and whether such conduct, if proven, would constitute a violation of the Academy's Code of Ethics or other established conduct standards. The Academy member against whom charges have been made should be informed that a preliminary investigation is being conducted and that he/she will be informed of its results. The accused member may be asked to comment, orally or in writing, to the Investigating Panel. After the completion of the preliminary investigation, the Investigating Panel will determine whether the information obtained may reasonably be interpreted to constitute a violation of the Academy's Code of Ethics or other conduct standards. A decision not to commence any disciplinary proceedings against a member should be made known to the member in question and the person(s) who initiated the charges in the first instance.

5. DUE PROCESS: A decision to commence disciplinary proceedings will initiate "due process requirements." To satisfy due process requirements, there must be: (a) reasonable notice of charges; (b) a notice of a hearing; (c) the right of confrontation and cross-examination; an opportunity to refute all charges; and (e) a hearing before a Hearing Panel. The guidelines of due process must be followed providing notice of charges with specificity, providing for assistance of counsel, and utilizing uniform procedures and establishing rights of appeal. In this manner, judicial members will avoid prejudicial error.

6. CONFIDENTIALITY: Confidentiality by the members of the Ethics Committee, the Investigating Panel, and the Hearing Panel is to be strictly maintained throughout the entire judicial proceedings except to the extent necessary for a full review of the facts. Members of a Hearing Panel may not be current members of an Investigating Panel, or have served on an Investigating Panel that investigated matters related to the accused.

7. DISCIPLINE: The Hearing Panel, may impose the following: (1) Censure - written record of censure shall be placed in the permanent record of the guilty member and a copy shall be mailed "return receipt requested" to the guilty member. The returned receipt will also be placed in the member's permanent record; (2) Suspension - means that all membership privileges, except continued entitlement to coverage under insurance programs, are lost during the suspension period. Suspension shall be unconditional and for a specified period at the termination of which full membership privileges are automatically restored. A written record of suspension shall be placed in the permanent record of the guilty member and a copy shall be mailed "return receipt requested" to the guilty member. The returned receipt will also be placed in the permanent record of the guilty member; (3) Expulsion - shall be an absolute discipline and shall not be imposed conditionally. A written record of the expulsion shall be placed in the permanent record of the guilty member and a copy shall be mailed "return receipt requested" to the guilty member. The returned receipt will also be placed in the member's permanent record. All membership privileges, including continued entitlement to coverage under insurance programs, are lost. Expulsion is irrevocable and the individual will not be granted future membership in the Academy.

8. DECISION: The decision of the Hearing Panel, whether for acquittal, censure, suspension, or expulsion, shall be presented in writing and shall specify the charges made against the member, the facts presented in substantiation and/or refutation of the charges, the verdict rendered, and the penalty, if any, imposed. Such notice shall also inform the member of the right to appeal.

9. APPEAL: The member may appeal the decision of the Hearing Panel by filing a statement of particulars with the Executive Director of the AACD no later than sixty (60) days after the mailing of the Hearing Panel's decision accompanied by a request for a hearing before the Appeals Board.

10. APPEALS BOARD: The Appeals Board shall be composed of a minimum of three (3) members to be selected by the current Ethics Committee Chair. This Board shall be comprised of past-Presidents, past-Board members and/or past-Ethics Committee members. Discipline imposed shall be stayed pending appeal. All notice and hearing requirements set forth above shall be applicable to appeals to the Appeals Board. The Appeals Board shall hold its hearing at the next annual session following the receipt of the notice to appeal. The decision of the Appeals Board shall be final.

11. PUBLIC ANNOUNCEMENT OF DISCIPLINE IMPOSED: In the event of final imposition of discipline upon a member pursuant to this Code of Ethics, and based on a specific finding by the Ethics Committee of need to protect the public from said member, the name and office address of the member, the fact that discipline was administered, the nature of the discipline administered, and the specific provision of the Code of Ethics determined to have been violated may be published and/or disclosed by the Executive Director to the public to the extent deemed necessary by the Ethics Committee to protect the public.

12. HOLD HARMLESS: Every member of this Academy waives the right to hold the Academy, its directors, officers, members and/or employees responsible for any damage, pecuniary or otherwise, which may result from discipline associated with disciplinary proceedings against said member.

questions of ethics will be solved within the broad boundaries established in this *Code of Ethics*. Members found guilty of unethical conduct as described in the American Academy of Cosmetic Dentistry®'s *Code of Ethics* are subject to penalties, including revocation of their membership and/or credentials.

III. Interpretation and Application of 'Code of Ethics'

The preceding statements constitute the *Code of Ethics* of the American Academy of Cosmetic Dentistry®. Problems involving