

May 29, 2013

CALL FOR WRITTEN COMMENTS

Proposal to Establish a New Oversight Agency for ADA CERP

The ADA Council on Dental Education and Licensure (CDEL) and its Continuing Education Recognition Program (CERP) Committee are considering a proposal to restructure ADA CERP as an agency separate from the Council to better support the program's mission and minimize the potential for conflicts of interest. The Council invites stakeholders to provide feedback on this proposal.

ADA CERP is currently administered by the CERP Committee, a standing committee of the Council. The CERP Committee reviews and approves providers of continuing dental education and makes recommendations to CDEL regarding program policies and recognition standards. These policies and standards must be approved by CDEL.

Under consideration is a proposal to separate CERP from CDEL, and reconfigure it as a new agency under the umbrella of the ADA. Oversight of the program would be conducted by a governing board comprised of representatives from the stakeholder groups. In addition to approving CE providers, the proposed new agency would have the authority to develop and approve recognition standards and program policies, thus minimizing potential conflicts of interest with other ADA agencies, programs and priorities. The CERP program would continue to be funded through provider fees and a subsidy from the ADA.

The Council believes that separating CERP from CDEL reflects best practices in continuing education accreditation, and would enhance the program's reputation as an impartial, respected accrediting body. The decision to explore a new model was made after reviewing the organizational structures of other accrediting agencies in continuing education for the healthcare professions, analyzing CERP's current structure and CE environment, and assessing the advantages and disadvantages of several alternate models.

Proposed new agency

The Council proposes the establishment of a new Commission on Continuing Dental Education Accreditation under ADA *Bylaws* to oversee CERP. The commission would have the authority to manage the program, including approval of CE providers, policies, and standards. The commission's rules and annual operating budget would be approved by the ADA House of Delegates, consistent with the ADA's other commissions, the Joint Commission on National Dental Examinations and the Commission on Dental Accreditation.

The governing board of this proposed new commission would include representatives of the current stakeholder groups, including the nine recognized dental specialties, the American Dental Education Association (ADEA), the American Association of Dental Boards (AADB), the American Society of Constituent Dental Executives (ASCDE), and the ADA. It is anticipated that the commission would be supported by existing staffing and financial structures within the ADA.

Proposed additions to ADA *Bylaws* to establish a third commission under the ADA umbrella are attached (Appendix 1), outlining the possible composition, duties and responsibilities of the proposed Commission on Continuing Dental Education Accreditation. Draft operating rules are also attached (Appendix 2).

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Review process

In accordance with established procedures, the Council has directed that the proposal to restructure ADA CERP under the direction of a new agency be circulated among the communities of interest for comment. The Council will review comments at its December 2013 meeting, and will consider making a recommendation to the ADA House of Delegates.

All interested parties are invited to submit written comments on this proposal by **September 1, 2013**. Comments may be forwarded by e-mail, fax or mail to cerp@ada.org, Fax: 312-440-2915, or ADA CERP, 211 East Chicago Ave, Chicago, IL 60611. If you have any questions, please contact ADA CERP manager, Ms. Mary Borysewicz, at borysewicz@ada.org or 800-622-8099, x2704.

Sincerely,

Dr. Ronald Venezia
Chair, Council on Dental Education and Licensure

Dr. James M. Boyle
Chair, ADA CERP Committee

ADA BYLAWS

PROPOSED ADDITIONS—APRIL 2013
(ADDITIONS UNDERLINED)

CHAPTER XV • COMMISSIONS

Section 10. NAME: The commissions of this Association shall be:

Commission on Dental Accreditation

Joint Commission on National Dental Examinations

Commission on Continuing Dental Education Accreditation

Section 20. MEMBERS, SELECTIONS, NOMINATIONS AND ELECTIONS:

A. COMMISSION ON DENTAL ACCREDITATION. The number of members and the method of selection of the members of the Commission on Dental Accreditation shall be governed by the *Rules of the Commission on Dental Accreditation* and these *Bylaws*.

Twelve (12) of the members of the Commission on Dental Accreditation shall be selected as follows:

(1) Four (4) members shall be selected from nominations open to all trustee districts from the active, life or retired members of this Association, no one of whom shall be a faculty member working for a school of dentistry more than one day per week or a member of a state board of dental examiners or jurisdictional dental licensing agency. These members shall be nominated by the Board of Trustees and elected by the House of Delegates.

(2) Four (4) members who are active, life or retired members of this Association shall be selected by the American Association of Dental Boards from the active membership of that body, no one of whom shall be a member of a faculty of a school of dentistry.

(3) Four (4) members who are active, life or retired members of this Association shall be selected by the American Dental Education Association from its active membership. These members shall hold positions of professorial rank in dental schools accredited by the Commission on Dental Accreditation and shall not be members of any state board of dental examiners or jurisdictional dental licensing agency.

B. JOINT COMMISSION ON NATIONAL DENTAL EXAMINATIONS. The Joint Commission on National Dental Examinations shall be composed of fifteen (15) members selected as follows:

a. Three (3) members shall be nominated by the Board of Trustees from the active, life or retired members of this Association and additional nominations may be made by the House of Delegates but no one of such nominees shall be a member of a faculty of a school of dentistry or a member of a state board of dental examiners or jurisdictional dental licensing agency. The House of Delegates shall elect the three (3) members from those nominated by the Board of Trustees and the House of Delegates.

b. Six (6) members who are active, life or retired members of this Association shall be selected by the American Association of Dental Boards from the active membership of that body, no one of whom shall be a member of a faculty of a dental school.

c. Three (3) members who are active, life or retired members of this Association shall be selected by the American Dental Education Association from its active membership. These members shall hold positions of professorial rank in the dental schools accredited by this Association and shall not be members of any state board of dental examiners or jurisdictional dental licensing agency.

d. One (1) member who is a dental hygienist shall be selected by the American Dental Hygienists' Association.

- e. One (1) member who is a public representative shall be selected by the Joint Commission on National Dental Examinations.
- f. One (1) member who is a dental student shall be selected annually by the American Student Dental Association.

C. COMMISSION ON CONTINUING DENTAL EDUCATION ACCREDITATION. The Commission on Continuing Dental Education Accreditation shall be composed of members selected as follows:

- a. Four (4) members shall be selected from nominations open to all trustee districts from the active, life or retired members of this Association. These members shall be nominated by the Board of Trustees and elected by the House of Delegates.
- b. One (1) member who is an active, life or retired member of this Association (if eligible) shall be selected by the American Association of Dental Boards from the active membership of that body.
- c. One (1) member who is an active, life or retired member of this Association (if eligible) shall be selected by the American Dental Education Association from its active membership.
- d. One (1) member who is an active, life or retired member of this Association (if eligible) shall be selected by the American Society of Constituent Dental Executives from its active membership.
- e. One (1) member who is an active, life or retired member of this Association shall be selected by each sponsoring organization of the ADA recognized dental specialties.

Section 30. REMOVAL FOR CAUSE: The Board of Trustees may remove a commission member for cause in accordance with procedures established by the Board of Trustees, which procedures shall provide for notice of the charges, including allegations of the conduct purported to constitute each violation, and a decision in writing which shall specify the findings of fact which substantiate any and all of the charges, and that prior to issuance of the decision of the Board of Trustees, no commission member shall be excused from attending any meeting of a commission unless there is an opportunity to be heard or compelling reasons exist which are specified in writing by the Board of Trustees.

Section 40. ELIGIBILITY:

- A. All members of commissions who are dentists must be active, life or retired members in good standing of this Association except as otherwise provided in these *Bylaws*.
- B. A member of the Joint Commission on National Dental Examinations, who was selected by the American Association of Dental Boards and who is no longer an active member of that Association, may continue as a member of the Commission for the balance of that member's term.
- C. When a member of the Joint Commission on National Dental Examinations, who was selected by the American Dental Education Association, shall cease to be a member of the faculty of a member school of that Association, such membership on the Commission shall terminate, and the President of the American Dental Association shall declare the position vacant.

D. Any organizations that select members to serve on the Commission on Continuing Dental Education Accreditation and offer continuing dental education courses shall be a continuing education provider approved by CERP.

~~DE.~~ No member of a commission may serve concurrently as a member of a council or another commission.

~~EF.~~ The Commissions of this Association shall elect their own chairs who shall be active, life or retired members of this Association.

Section 50. CONSULTANTS, ADVISERS AND STAFF:

A. CONSULTANTS AND ADVISERS. Each commission shall have the authority to nominate consultants and advisers in conformity with rules and regulations established by the Board of Trustees except as otherwise provided in these *Bylaws*. The Joint Commission on National Dental Examinations also shall select consultants to serve on the Commission's test construction committees. The Commission on Dental Accreditation shall have the power to appoint consultants to assist in developing requirements and guidelines for the conducting of accreditation evaluations, including site visitations, of predoctoral, advanced dental educational, and dental auxiliary educational programs. The Commission on Continuing Dental Education Accreditation shall have the power to appoint consultants to assist in developing standards and procedures, conducting accreditation reviews and conducting appeals.

B. STAFF. The Executive Director shall employ the staff of Commissions, in the event they are employees, and shall select the titles for commission staff positions.

Section 60. TERM OF OFFICE: The term of office of members of the commissions shall be four (4) years except that (a) the term of office of members of the Commission on Dental Accreditation selected pursuant to the *Rules of the Commission on Dental Accreditation* shall be governed by those *Rules* and (b) the term of office of the dental student selected by the American Student Dental Association for membership on the Joint Commission on National Dental Examinations shall be one (1) year.

The tenure of a member of a commission shall be limited to one (1) term of four (4) years except that (a) the consecutive tenure of members of the Commission on Dental Accreditation selected pursuant to the *Rules of the Commission on Dental Accreditation* shall be governed by those *Rules* and (b) tenure in office of the dental student selected by the American Student Dental Association for membership on the Joint Commission on National Dental Examinations shall be one (1) term. A member shall not be eligible for appointment to another commission or council for a period of two (2) years after completing a previous commission appointment.

Section 70. VACANCY: In the event of a vacancy in the office of a commissioner, the following procedure shall be followed:

A. In the event the member of a commission, whose office is vacant, is or was a member of and was appointed or elected by this Association, the President of this Association shall appoint a member of this Association possessing the same qualifications as established by these *Bylaws* for the previous member, to fill such vacancy until a successor is elected by the next House of Delegates of this Association for the remainder of the unexpired term.

B. In the event the member of a commission whose office is vacant was selected by an organization other than this Association, such other organization shall appoint a successor possessing the same qualifications as those possessed by the previous member of the commission.

C. In the event such vacancy involves the chair of the commission, the President of this Association shall have the power to appoint an *ad interim* chair, except as otherwise provided in these *Bylaws*.

D. If the term of the vacated commission position has less than fifty percent (50%) of a full four-year term remaining at the time the successor member is appointed or elected, the successor member shall be eligible for election to a new, consecutive four-year term. If fifty percent (50%) or more of the vacated term remains to be served at the time of the appointment or election, the successor member shall not be eligible for another term.

Section 80. MEETINGS OF COMMISSIONS: Each commission shall hold at least one regular meeting annually, provided that funds are available in the budget for that purpose and unless otherwise directed by the Board of Trustees. Meetings may be held at the Headquarters Building, the

Washington Office or from multiple remote locations through the use of a conference telephone or other communications equipment by means of which all members can communicate with each other. Such meetings shall be conducted in accordance with rules and procedures established by the Board of Trustees.

Section 90. QUORUM: A majority of the members of any commission shall constitute a quorum.

Section 100. PRIVILEGE OF THE FLOOR: Chairs and members of the commissions who are not members of the House of Delegates shall have the right to participate in the debate on their respective reports but shall not have the right to vote.

Section 110. ANNUAL REPORT AND BUDGET:

A. ANNUAL REPORT. Each commission shall submit, through the Executive Director, an annual report to the House of Delegates and a copy thereof to the Board of Trustees.

B. PROPOSED BUDGET. Each commission shall submit to the Board of Trustees, through the Executive Director, a proposed itemized budget for the ensuing fiscal year.

Section 120. POWER TO ADOPT RULES: Any commission of this Association shall have the power to adopt rules for such commission and amendments thereto, provided such rules and amendments thereto do not conflict with or limit the *Constitution and Bylaws* of this Association. Rules and amendments thereto, adopted by any commission of this Association, shall not be effective until submitted in writing to and approved by majority vote of the House of Delegates of this Association, except the Joint Commission on National Dental Examinations shall have such bylaws and amendments thereto as the House of Delegates of this Association may adopt by majority vote for the conduct of the purposes and management of the Joint Commission on National Dental Examinations.

Section 130. DUTIES:

A. COMMISSION ON DENTAL ACCREDITATION. The duties of the Commission on Dental Accreditation shall be to:

- a. Formulate and adopt requirements and guidelines for the accreditation of dental educational and dental auxiliary educational programs.
- b. Accredite dental educational and dental auxiliary educational programs.
- c. Provide a means for appeal from an adverse decision of the accrediting body of the Commission to a separate and distinct body of the Commission whose membership shall be totally different from that of the accrediting body of the Commission.
- d. Submit an annual report to the House of Delegates of this Association and interim reports, on request, and the Commission's annual budget to the Board of Trustees of the Association.
- e. Submit the Commission's articles of incorporation and rules and amendments thereto to this Association's House of Delegates for approval by majority vote either through or in cooperation with the Council on Dental Education and Licensure.

B. JOINT COMMISSION ON NATIONAL DENTAL EXAMINATIONS. The duties of the Joint Commission on National Dental Examinations shall be to:

- a. Provide and conduct written examinations, exclusive of clinical demonstrations for the purpose of assisting state boards of dental examiners in determining qualifications of dentists who seek license to practice in any state or other jurisdiction of the United States. Dental licensure is subject to the laws of the state or other jurisdiction of the United States and the conduct of all clinical examinations for licensure is reserved to the individual board of dental examiners.
- b. Provide and conduct written examinations, exclusive of clinical demonstrations for the purpose of assisting state boards of dental examiners in determining qualifications of dental hygienists who seek license to practice in any state or other jurisdiction of the United States. Dental hygiene licensure is

subject to the laws of the state or other jurisdiction of the United States and the conduct of all clinical examinations for licensure is reserved to the individual board of dental examiners.

- c. Make rules and regulations for the conduct of examinations and the certification of successful candidates.
- d. Serve as a resource of the dental profession in the development of written examinations.

C. COMMISSION ON CONTINUING DENTAL EDUCATION ACCREDITATION. The duties of the Commission on Continuing Dental Education Accreditation shall be to:

- a. Formulate and adopt requirements, guidelines and procedures for the Continuing Education Recognition Program
- b. Accredite providers of continuing dental education programs and activities
- c. Provide a means for appeal from an adverse accreditation decision to a body whose membership shall be totally different from that of the body issuing the adverse accreditation decision.
- d. Submit an annual report to the House of Delegates of this Association and interim reports, on request, and the Commission's annual budget to the Board of Trustees of the Association.
- e. Submit the Commission's rules and amendments thereto to this Association's House of Delegates for approval by majority vote either through or in cooperation with the Council on Dental Education and Licensure.

RULES OF THE COMMISSION ON
CONTINUING DENTAL EDUCATION ACCREDITATION
DRAFT

Article I. BOARD OF COMMISSIONERS

Section 1. MANAGEMENT BODY: The management body of the Commission shall be the Board of Commissioners.

Section 2. COMPOSITION: The Board of Commissioners shall be as defined in Chapter XV, Section 20.C of the ADA *Bylaws*.

Section 3. TERM OF OFFICE: The term of office of the members of the Board of Commissioners shall be as defined in Chapter XV, Section 60 of the ADA *Bylaws*.

Section 4. POWERS:

A. The Board of Commissioners shall be vested with full power to conduct all business of the Commission subject to the laws of the State of Illinois, these *Rules* and the *Constitution and Bylaws* of the American Dental Association.

B. The Board of Commissioners shall have the power to establish rules and regulations not inconsistent with these *Rules* to govern its organization and procedures.

Section 5. DUTIES: The duties of the Board of Commissioners are as set forth in Chapter XV, Sections 50.A and 130 of the ADA *Bylaws*, and in addition:

A. The Board of Commissioners administers the ADA Continuing Education Recognition Program (ADA CERP), including the development and approval of accreditation standards for continuing dental education and the evaluation of continuing education providers.

B. The Board of Commissioners may appoint special committees of the Commission for the purpose of performing duties not otherwise assigned by these *Rules*.

Section 6. MEETINGS:

A. **REGULAR MEETINGS:** There shall be at least two (2) regular meetings of the Board of Commissioners each year.

B. **SPECIAL MEETINGS:** Special meetings of the Board of Commissioners may be called at any time by the Chairman of the Commission. The Chairman shall call such meetings on request of a majority of the voting members of the Board provided at least ten (10) days' notice is given to each member of the Board in advance of the meeting. No business shall be considered except that provided in the call unless by unanimous consent of the members of the Board present and voting.

Section 7. QUORUM: A quorum of the Board shall be defined as defined in Chapter XV, Section 90 of the ADA *Bylaws*.

Article II. OFFICERS

Section 1. OFFICERS: The officers of the Commission shall be a Chair and Vice-Chair and such other officers as the Board of Commissioners may authorize. The Chair and Vice-Chair shall be elected by the members of the Commission. The Chair and Vice-Chair shall be active, life or retired member of the American Dental Association.

Section 2. DUTIES: The duties of the officers are as follows:

A. **CHAIR:** The Chair shall preside at all meetings of the Board of Commissioners.

B. **VICE-CHAIR:** If the Chair is unable to attend any given meeting of the Board of Commissioners, the Vice-Chair shall preside at the meeting. If the Vice-chair is unable to attend the meeting, the other members of the Board of Commissioners present and voting shall elect by majority vote an acting chair for the purpose of presiding at that meeting only.

Article III. CERP APPEAL BOARD

Section 1. APPEAL BOARD: The appellate body of the Commission shall be the CERP Appeal Board which shall have the authority to hear and decide appeals filed by continuing education providers from decisions rendered by the Board of Commissioners of the Commission denying or revoking recognition.

Section 2. COMPOSITION: The CERP Appeal Board consists of one representative selected by each of the organizations represented on the Board of Commissioners who has previously served on the Board of Commissioners. When an appeal is initiated, the Director selects three (3) individuals from the pool of available Appeal Board Members to hear the appeal.

Section 3. TERM OF OFFICE: The term of office of members on the Appeal Board shall be one four (4) year term.

Section 4. MEETINGS: The Appeal Board shall meet at the call of the Director of the Commission, provided at least ten (10) days' notice is given to each member of the Appeal Board in advance of the meeting. Such meetings shall be called by the Director only when an appeal to the appellate body has been duly filed by a continuing education provider.

Section 5. QUORUM: A majority of the voting members of the Appeal Board shall constitute a quorum.

Section 6. VACANCIES:

A. In the event of a vacancy in the membership of the CERP Appeal Board, the Chair of the Commission shall appoint a member of the same organization to fill such vacancy until a successor is selected by the respective representative organization.

B. If the term of the vacated position has less than fifty percent (50%) of a full four-year term remaining at the time the successor member is appointed, the successor member shall be eligible for a new, consecutive four-year term. If fifty percent (50%) or more of the vacated term remains to be served at the time of the appointment, the successor member shall not be eligible for another term.

Article IV. CONTINUING EDUCATION RECOGNITION PROGRAM

Section 1. RECOGNITION STANDARDS AND PROCEDURES: The Commission, acting through the Board of Commissioners, shall establish and publish specific Continuing Education Recognition Program Standards and Procedures for the recognition of providers of continuing dental education programs.

Section 2. PROCEDURES FOR EVALUATING INITIAL AND RENEWAL APPLICATIONS FOR RECOGNITION: Providers of continuing dental education activities shall be evaluated for compliance with the Continuing Education Recognition Program Standards and Procedures and recognition status conferred by the Board of Commissioners on the basis of the information and data provided on survey forms and reports and secured by the members of, and consultants to, the Board of Commissioners, as set forth in the Recognition Standards and Procedures and in the Procedures for an Adverse Action Against a Continuing Education Provider.

Article V. MISCELLANEOUS

The operating procedures of the Commission shall be governed by the *Rules* except where they are in conflict with the *ADA Bylaws* and the *Standing Rules of Councils and Commissions*.