

TDA JUDICIAL MANUAL



TEXASDENTAL
a s s o c i a t i o n

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[Judicial Case Flow Sheet](#)

[Judicial Complaint Overview](#)

[Membership Reactivation-Reapplication Form](#)

[Form 1 – Council Referral Form](#)

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I. INTRODUCTION

A. OVERVIEW

This manual should be read, construed, and interpreted in conjunction with other applicable authority, including, but not limited to, the ADA [Bylaws](#), [Principles of Ethics and Code of Professional Conduct](#), and [Procedures for Member Disciplinary Hearings and Appeals](#), the TDA [Constitution](#), [Bylaws](#), [Principles of Ethics and Code of Professional Conduct](#), and [Peer Review Manual](#), applicable local bylaws, constitutions, and code of ethics, and state and federal law. If a conflict should arise between this manual and the ADA [Bylaws](#), [Principle of Ethics and Code of Professional Conduct](#), and [Procedures for Member Disciplinary Hearings and Appeals](#), the TDA [Constitution](#), [Bylaws](#), and [Principles of Ethics and Code of Professional Conduct](#), or state and federal law, then the ADA [Bylaws](#), [Principles of Ethics and Code of Professional Conduct](#), and [Procedures for Member Disciplinary Hearings and Appeals](#), the TDA [Constitution](#), [Bylaws](#), and [Principles of Ethics and Code of Professional Conduct](#), or state and federal law shall govern. All other conflicts shall be resolved on a case-by-case basis.

B. CONTACT INFORMATION

The Member Services and Administration Program Manager may be contacted at Texas Dental Association: 1946 S. IH 35, Austin, Texas 78704, (800) 832-1145, (512) 443-3675.

C. DEFINITIONS

The following terms shall have the following meanings for purposes of this Judicial Manual:

1. “Component” or “component society” refers to a local level society of the Texas Dental Association (e.g., the Greater Houston Dental Society). The Texas Dental Association is made up of numerous component societies but each component society is a separate and distinct entity from the Texas Dental Association. Members of the Texas Dental Association are also members of the component society in the geographical area in which the member practices.
2. “Council” refers to the Council on Ethics and Judicial Affairs for the Texas Dental Association.
3. “TDA” refers to the Texas Dental Association.

II. COMPONENT JUDICIAL COMMITTEES

A. COMPOSITION

The size of the Component Judicial Committee shall reflect the geographic area covered, the dental population of the component society, and the case load of the component society. To ensure continuity, members shall serve staggered terms of three to five years. Each component society shall determine the size of the Component Judicial Committee and the term of the members serving on its Component Judicial Committee in accordance with the local bylaws and constitution. Members will be selected and determined according to the local bylaws and constitution. Ideally, the Component Judicial Committee should have at least five members.

B. COMPONENT JUDICIAL COMMITTEE MEMBERS

1. Members of Component Judicial Committees shall serve on staggered rotating terms. Members will be selected and determined according to the local bylaws and constitution. See [II. A.](#) above.
2. No member shall act upon any matter in which the member has been previously involved or has any personal interest. See [II.B.3](#) below.
3. Any accused member dentist who is before a Component Judicial Committee may file with the chairman of the Component Judicial Committee, within 10 business days from the date of the notice of hearing, a written request for disqualification of a member of the Component Judicial Committee for a particular hearing by stating the grounds for disqualification, which may include:
 - a) The Committee member has knowledge of, or a bias concerning, the case based on the location or nature of his or her practice;
 - b) The Committee member knows the accused member;
 - c) The Committee member has personal knowledge of the charges brought against the accused member outside the information provided in the formal charges and specifications received by the Committee member;
 - d) The Committee member has formed conclusions regarding the nature of the charges brought against the accused member;
 - e) The Committee member has a pecuniary interest in the outcome of the hearing regarding the accused member; and
 - f) The Committee member would be unable to render a fair and impartial decision regarding the charges brought against the accused member.
4. If, based on the accused member dentist's request for disqualification of a member of the Component Judicial Committee, a majority of the remaining Component Judicial Committee members finds any grounds for disqualification of the Committee member at issue or finds any other facts, which in its judgment may prevent a Committee member from rendering an impartial decision, then the member of the Component Judicial Committee made subject of the written request for disqualification shall be disqualified. Only timely written requests for disqualification shall be considered. See, e.g., the ADA [Procedures for Member Disciplinary Hearings and Appeals](#).
5. Each Committee member who is disqualified shall have an ad hoc replacement so that the number of Committee members on the Component Judicial Committee remain the same.
 - a) In order to replace a disqualified Committee member with an ad hoc Committee member, the chairman of the Component Judicial Committee shall request an ad hoc form from the TDA's Member Services and Administration Program Manager.
 - b) The chairman of the Component Judicial Committee may select members of other Component Judicial Committees or other persons who are trained in TDA judicial procedures, to serve as ad hoc Committee members and shall provide notice of the proposed name of the

ad hoc Committee member to the accused member dentist within 5 business days of selecting the ad hoc member.

- c) The accused member dentist has 5 business days from the date of the notice of the proposed ad hoc Committee member to object in writing to the proposed member and provide the basis for his or her disqualification. Only timely written requests for disqualification shall be considered. *See, e.g.,* the ADA [Procedures for Member Disciplinary Hearings and Appeals](#).

C. MEETINGS

A Component Judicial Committee shall meet on call of its elected chairman or as otherwise determined by the component society.

D. DUTIES

1. A Component Judicial Committee shall:
 - a) Receive applications for membership of dentists residing or practicing in its district;
 - b) Investigate the eligibility of such applicants in accordance with the TDA [Bylaws](#), Chapter II Section 30(A) and any amendments thereto; and
 - c) Within a reasonable time and with appropriate recommendations, make a determination with regard to the applications it receives.
2. A Component Judicial Committee shall have the responsibility to investigate alleged violations by a member dentist of the Texas Dental Practice Act, the Rules of the Texas State Board of Dental Examiners, TDA [Bylaws](#), TDA [Principles of Ethics and Code of Professional Conduct](#), the ADA Principles of Ethics and Code of Professional Conduct, and/or any other applicable authority and make recommendations to the Council with regard to any action to be taken by the Council with regard to the accused member dentist. *See, e.g.,* TDA [Principles of Ethics and Code of Professional Conduct](#), p. 18.
3. **Under no circumstance** does the investigator examine a patient, if a patient is involved.
4. A Component Judicial Committee may refer any matter against an accused member dentist directly to the Council at any time during or after its investigation. *See, e.g.,* the TDA [Bylaws](#), Ch. X, §20(B).

E. AUTHORITY

All procedures, regulations, and decisions of a Component Judicial Committee must conform to Chapter X of the TDA [Bylaws](#) and with Chapter XII of the ADA [Bylaws](#), which in all cases shall be the final authority.

III. TYPES OF REFERRALS TO COMPONENT JUDICIAL COMMITTEES

A. PEER REVIEW REFERRALS

A Peer Review Committee may refer to a Component Judicial Committee the following types of complaints against member dentists:

1. Dentist-to-dentist complaints;
2. Complaints involving allegations of fraud for possible referral to the Texas State Board of Dental Examiners;
3. Complaints involving apparent violations of the Texas Dental Practice Act for possible referral to the Texas State Board of Dental Examiners; and
4. Complaints involving apparent unethical or unprofessional conduct. All complaints received by a Peer Review Committee concerning allegations of ethical violations or professional misconduct (other than quality and/or appropriateness of dental care) will be forwarded to the Council through the Component Judicial Committee.
5. A Component Judicial Committee may also receive a complaint from a Component Peer Review Committee when a Peer Review Committee is unable to obtain:
 - a) Copies of patient records requested by the Component Peer Review Committee;
 - b) A refund of monies as determined in a peer review resolution; or
 - c) A member's compliance with any other reasonable request of the Peer Review Committee. See the TDA [Principles of Ethics and Code of Professional Conduct](#) page 3 ¶ 1; the TDA [Peer Review Manual](#).

B. ALLIED GROUP REFERRAL

An allied dental or health organization or a hospital may refer a judicial complaint to a component society.

C. DENTIST WELL-BEING COMPLAINTS

Complaints concerning mental health, alcohol and/or chemical abuse by a member dentist shall be referred to the Professional Recovery Network (PRN) at (800) 727-5152. This referral is made without consultation with the member dentist. Professional Recovery Network will determine the validity of claims, recommend a treatment plan, when necessary, and will monitor participants for compliance. In order to respect the privacy of those involved the usual Judicial protocols will be bypassed and the following procedures should be followed:

1. When dentist well-being complaints are received at TDA, the complainant will be directed to the Member Services and Administration Program Manager. The Member Services and Administration Program Manager will note the date the complaint was received, the name of the dentist the complaint was alleged against, and the date the referral was made to PRN. This information will be stored in a secure location, at the TDA office, that is not accessible to other staff members. PRN will then initiate contact with the dentist on whom the complaint was filed.

2. When dentist well-being complaints are received at component societies the complainant should be directed to the Member Services and Administration Program Manager at TDA. The Member Services and Administration Program Manager will note the date the complaint was received, the name of the dentist the complaint was alleged against, and the date the referral was made to PRN. This information will be stored in a secure location, at the TDA office, that is not accessible to other staff members. PRN will then initiate contact with the dentist on whom the complaint was filed.

For more information about Professional Recovery Network, please visit <http://www.txprn.com/>.

IV. COMPONENT JUDICIAL INVESTIGATIONS

A. INTRODUCTION TO COMPONENT JUDICIAL PROCEDURES

The information provided in this section is designed to supply component society members with guidelines and procedures for reviewing alleged unethical activity and for referring cases to the Council. All questions regarding the guidelines and procedures set forth herein should be directed to the Council at the TDA's office.

1. The ADA [Bylaws](#) empower its constituent and component societies with the authority to adopt and maintain a constitution and bylaws not in conflict with, nor limited by, the ADA [Constitution](#) and [Bylaws](#). These societies may also adopt and maintain codes of ethics not in conflict with the ADA [Principles of Ethics and Code of Professional Conduct](#). See the ADA [Bylaws](#), Ch. II, §§70 & 80 & Ch. III, §20(B). Similarly, the TDA [Bylaws](#) empower the TDA's component societies with the authority to adopt and maintain a constitution and bylaws not in conflict with, nor limited by, the TDA [Constitution](#) and [Bylaws](#), and the TDA's component societies may also adopt and maintain codes of ethics not in conflict with the TDA [Principles of Ethics and Code of Professional Conduct](#). See the TDA [Bylaws](#), Ch. II, §40(B). Article VII of the ADA [Constitution](#) and [Bylaws](#) empowers constituent societies of the ADA to govern their own members. The TDA has the authority to discipline its members. See the ADA [Bylaws](#), Ch. II §30(D), Ch. III §20(C), and Ch. XII, §20(A); the TDA [Bylaws](#), Ch. II §30(B) & Ch. X, §20.
2. Unless otherwise provided, complaints regarding a member dentist must be in writing to be considered and may originate from a Component Peer Review Committee, a Component Judicial Committee, the TDA's Peer Review Council, another dentist, a patient, or from another source. Occasionally, a complaint may originate from an allied dental organization or a hospital.
3. Anonymous complaints are discouraged and generally will not be acted upon by the entity receiving them. However, if a complaint against a member dentist alleges that a member dentist's professional competence or conduct affects the health, safety, or welfare of a patient, then that complaint may be reviewed by the entity receiving the complaint on a case-by-case basis. For purposes of this manual, anonymous complaints are written complaints against a member dentist that are not signed by the complainant.
4. A Component Judicial Committee is responsible for the initial investigation of alleged unethical or unlawful activities of TDA members. A Component Judicial Committee shall not consider alleged unethical acts of non-TDA members, but shall refer those complaints to the Council for possible referral to the Texas State Board of Dental Examiners.

5. Disciplinary hearings should be held only at the state level to ensure that the procedures are uniform and fair. The Council, however, may refrain from hearing a complaint referred to it by a component society, in which case the Component Judicial Committee may conduct a hearing at its own expense subject to the provisions of this manual and other applicable rules, regulations, and authority. See TDA Bylaws Chapter X, §20(B).

Specifically, TDA Bylaws Chapter X, §20(B) provides that:

Except as provided hereafter, disciplinary proceedings shall be initiated only by the [Council] either upon its own initiative or upon request of any component society. A component society shall refer disciplinary matters to the [Council] with a request that said Council initiate disciplinary proceedings with respect thereto. In the event that the [Council] declines to initiate the disciplinary proceedings so requested, the Council shall promptly notify the component society which referred the matter of the Council's decision and said component society may therefore at its discretion initiate disciplinary proceedings. In such event, the component society then assumes all liability for such actions.

TDA Bylaws Chapter X, §20(B).

B. CONFIDENTIALITY

It is important that confidentiality be maintained throughout the investigative process unless otherwise provided. Information regarding allegations and potential hearings should not be discussed with, or disseminated to, component society members. Investigative information should be confined to the scope of the Component Judicial Committee members and the component society's board of directors. Additionally, the investigation must be conducted to protect the rights of the accused member dentist involved. Confidentiality shall be maintained at all times and the entire process shall be confidential subject to applicable rules, regulations, and applicable laws, or any reports required to be made pursuant thereto. Nothing herein shall prevent the TDA from complying with state or federal law.

C. CASE NUMBER

A complaint received by a Component Judicial Committee shall be assigned a case number with the component number first, followed by the year, and the consecutive numbering of the complaints received by the component society that year. Thus, for example, complaints received by the Dallas County Dental Society for the year 2005 would be numbered 5-2005-1, 5-2005-2, 5-2005-3, and so forth.

D. RECEIPT AND DOCUMENTATION OF COMPLAINTS

1. Upon receipt of any complaint, the entity receiving the complaint shall immediately note the date and source of the allegations. Upon receipt of any advertising complaint, the entity receiving the complaint should mark and date the source of the advertisement. Each complaint must be assigned, and referred to by, a case number, and not the name of the member dentist to ensure confidentiality unless otherwise permitted. See Section [III.B](#) above.
2. Upon receipt of any complaint against a member dentist, the entity receiving the complaint shall document and verify all information obtained during the course of the investigation, including telephone conversations and discussions, by taking written notes or drafting "file memos," noting the author of the note or memorandum, the date of the conversation, discussion, or investigation, and any action, decisions, or results of the conversation, discussion, or investigation. The entity

investigating the complaint should be sure to date-stamp any information it receives by mail and note the source of the material if it is not otherwise clear.

3. A Component Judicial Committee, and others designated by a Component Judicial Committee, may meet with one another and/or with the accused member dentist as part of its investigation of a complaint. Below are suggestions of items that should be included in the documentation of a Component Judicial Committee meeting:
 - a. Case number;
 - b. Date, time, and place of meeting;
 - c. Name of persons attending the meeting, including an indication of whether the accused member dentist was present and/or was offered an opportunity to participate in the meeting;
 - d. Purpose of meeting;
 - e. Whether the accused member dentist has been provided an opportunity to respond to the accusations against him or her;
 - f. A synopsis of the questions and answers raised at the meeting and/or issues addressed at the meeting;
 - g. Any follow-up instructions or recommendations that were given to the accused member dentist and the accused member dentist's response to the instructions or recommendations;
 - h. A list of any documents that were produced at the meeting; and
 - i. The result or outcome of the meeting.
4. Because each complaint may be different, the investigations of the complaints may differ, depending on the circumstances and matters made subject of the complaints.
5. If the Council receives a complaint against a member dentist, then the Council Chairman, subject to Council approval, shall determine whether the Chairman will refer the complaint to the appropriate component society or direct the Council to review the complaint for further action.

E. COMPONENT JUDICIAL COMMITTEE MEETING PROCEDURES

Upon receiving a complaint, the Component Judicial Committee may decide to schedule a meeting or conference with the accused member dentist to review the case and obtain information from him or her. The Component Judicial Committee may meet or confer as a team or decide to send one Committee member to meet or confer with the accused member dentist at an informal meeting or by telephone conference. The meeting or conference should be documented in writing, and the notes or memorandum, if any, regarding the meeting should be filed along with the other documents relating to the specific complaint at issue against the accused member dentist. See Section [III.D](#) above.

F. THE INVESTIGATION

1. The investigation can be divided into two categories:
 - a) Component society investigations; and
 - b) Investigations by the Council. With regard to each complaint it receives, the Component Judicial Committee shall assign a case number, review the complaint to determine if it is valid, document the information it receives and reviews, and perform any investigation necessary concerning the allegations made subject of each complaint.
2. Upon completing its investigation, the Component Judicial Committee should always try to resolve the complaint at the local level, which is frequently accomplished through discussions with the parties involved in the complaint.
3. If local counseling is unsuccessful, then the Component Judicial Committee may decide either to drop the complaint or refer it to the Council for additional review and action, using the "[Council Referral Form](#)." See Appendix, Form 1.

G. THE DECISION

1. After performing its investigation, the Component Judicial Committee must make a decision with regard to each complaint it receives. If the Component Judicial Committee determines that no violations exist based on its investigation, then the Chairman should notify the parties involved that no violations were found. The Component Judicial Committee chairman shall notify the Council of the results of the Component Judicial Committee's investigations by completing the "[Judicial Complaint Reporting Form](#)" and sending the completed form to the TDA's Member Services and Administration Program Manager. See Appendix, [Form 2](#). The Council may proceed with its own investigation if the information available to the Council is deemed to warrant such action.
2. If the Component Judicial Committee determines that a violation exists, then it may decide to counsel the accused member dentist without referring the complaint to the Council, thereby precluding the need for TDA's involvement. Alternatively, if the Component Judicial Committee determines that it is not prudent to meet with the accused, or if the Component Judicial Committee unsuccessfully met with the accused member dentist and decided that the case should be reviewed by the Council, then the chairman of the Component Judicial Committee should refer the matter to the Council by completing the "[Council Referral Form](#)." The Component Judicial Committee shall send the completed form to the TDA's Member Services and Administration Director. See Appendix, [Form 1](#).
3. Regardless of the outcome of any complaint before it, the Component Judicial Committee chairman must complete a "[Judicial Complaint Reporting Form](#)" and mail it to the TDA's Member Services and Administration Program Manager within 7 business days of resolution of any complaint. See Appendix, [Form 2](#). The "[Judicial Complaint Reporting Form](#)" must accompany a "[Council Referral Form](#)" when a case is not resolved. See Appendix, [Form 1](#). For confidentiality reasons, no names of accused member dentists shall be reported on the "[Council Referral Form](#)." See Appendix, [Form 1](#).

H. HOW TO REFER A CASE TO THE COUNCIL

1. Once the Component Judicial Committee has determined that a case requires a review by the Council, a “[Council Referral Form](#)” must be completed. See Appendix, [Form 1](#). This form is intended to provide the Council with pertinent information on the complaint, as well as the actions taken by the Component Judicial Committee to date.
2. Below is a list of items that must be included in every referral to the Council:
 - a) A completed and signed copy of the “[Council Referral Form](#);”
 - b) A completed and signed copy of the “[Judicial Complaint Reporting Form](#);”
 - c) With regard to advertising complaints, copies of all current advertisements and promotional materials under review, including the publication date(s) and source(s) of the advertising materials made subject of the complaint. With regard to advertising complaints relating to signs, photograph(s) of the sign(s) should be submitted along with the completed “[Council Referral Form](#);”
 - d) Documentation of any meetings or conversations held at the component society level regarding the complaint or underlying allegations;
 - e) Copies of the original correspondence and written complaint if not initiated by the Component Judicial Committee;
 - f) Copies of any documentation submitted by an accused member; and
 - g) Patient statements or affidavits, if pertinent to the case.
 - h) The Component Judicial Committee shall retain copies of all correspondence and other information it sends to the Council.

I. LIABILITY PROTECTION

1. Component Ethics and Judicial Affairs Committee members and component staff are mandated to attend a TDA Judicial Training Session before they are eligible to handle cases. Component Chairs and component staff must have attended a TDA Judicial training session within the last four years. Component Committee members must have attended a TDA Judicial training session within the last eight years. Judicial training is available online at <https://www.tda.org/Member-Resources/Services-and-Tools/Judicial-Training-Intro>.
2. The TDA provides liability insurance coverage for all its component staff, officers and committees, including Component Judicial Committees. In order to be covered under this insurance policy, the component staff and Component Judicial Committee must follow the TDA judicial process set forth in this manual. **Failure to follow proper judicial procedure may invalidate liability coverage under the TDA insurance policy.** The TDA insurance policy has a deductible, which will be paid by the TDA, the component society, or both as determined by the TDA Board of Directors. Specific information regarding the terms and conditions of the TDA liability insurance policy may be obtained from the TDA central office.

Specifically in Chapter XIV of the TDA Bylaws:

In order for a component society and its Peer Review and Judicial Committees to be indemnified in relation to peer review and judicial activities, all members of the Component Peer Review Committees and Component Judicial Committees must have attended a training session by the Texas Dental Association, before they assume their duties, and the chairmen shall certify annually to the Texas Dental Association that all Peer Review and Judicial Committee members have been trained by the Texas Dental Association. Each component chair must have attended a TDA training session within the last four years and component committee members must have attended a TDA training session within the last eight years. All component committee members shall be provided information on changes in the manuals as such changes are adopted according to the most recent Peer Review and Judicial Committee Manuals. The certification by the component Peer Review and Judicial Committee chairmen must be received by the Texas Dental Association before August first (1st) each year.

See the TDA Bylaws, Ch. XIV

J. RIGHT OF COMMITTEE TO PROCEED

If the Council declines to initiate a disciplinary proceeding against an accused member, then the Council shall inform the component society of its decision not to proceed with a disciplinary proceeding, and the component society may, in its own discretion, initiate a disciplinary proceeding against an accused member dentist. In the event a component society initiates a disciplinary proceeding against an accused member dentist after the Council has declined to do so, then the component society “assumes all liability for such actions.” See TDA Bylaws Chapter X, §20(B). Disciplinary proceedings shall be conducted in accordance with the ADA [Procedures for Member Disciplinary Hearings and Appeals](#).

Specifically, TDA Bylaws Chapter X, §20(B) that:

Except as provided hereafter, disciplinary proceedings shall be initiated only by the [Council] either upon its own initiative or upon request of any component society. A component society shall refer disciplinary matters to the [Council] with a request that said Council initiate disciplinary proceedings with respect thereto. In the event that the [Council] declines to initiate the disciplinary proceedings so requested, the Council shall promptly notify the component society which referred the matter of the Council’s decision and said component society may therefore at its discretion initiate disciplinary proceedings. In such event, the component society then assumes all liability for such actions.

TDA Bylaws Chapter X, §20(B).

V. JUDICIAL COUNCIL INVESTIGATION

A. COUNCIL INVESTIGATION PROCESS

The Chairman of the Council shall assign the case to a Council member to investigate the matters made subject of the complaint. The Council member shall then investigate the complaint, report to the Council on the Council member’s actions and investigation, and make a recommendation to the Council regarding how it should proceed. Based on the Council member’s report, the Council may decide to:

1. Recommend that additional action be taken by the Component Judicial Committee;

2. Hold an informal conference with the accused member, affording the Council and the accused member dentist an opportunity to meet or otherwise confer regarding the matters made subject of the complaint in an informal setting at a location convenient to the accused member, when possible, in an attempt to resolve the matter without the necessity of further action by the Council subject to the impartiality provisions referred to in paragraph [V. A.](#) above. The following persons may attend an informal conference:
 - a) The Council members, including ad hoc Council members;
 - b) The Member Services and Administration Program Manager;
 - c) The accused member dentist; and
 - d) Persons requested by the Council Chairman to attend the informal conference, including appropriate Council and/or TDA staff.
 - e) The accused member dentist may also request that certain persons who have personal knowledge of facts relevant to the matters at issue be permitted to participate in the informal conference. Such persons, however, may not be present during the entire informal conference. Specifically, each person with personal knowledge of relevant matters who is allowed to participate in the informal conference may participate only to provide such information to the Council after which he or she will be excused from the conference.

B. INFORMAL CONFERENCE

1. The Council Chairman may, in his or her discretion, limit the number of persons who attend or participate in the informal conference and the scope of each person's participation.
2. Neither the Council nor the accused member dentist shall be represented by counsel at the informal conference.
3. No recording devices shall be used at the informal conference.
4. Based on the meeting or conference between the Council and the accused member dentist, the Council may recommend or request that the accused member dentist take certain action or refrain from taking certain action or make any other request or recommendation deemed appropriate in light of the circumstances involved.

C. THE COUNCIL'S RECOMMENDATION

1. The Council's recommendation or request to the accused member dentist based on the informal conference is confidential and non-binding. If the accused member dentist refuses the Council's request or recommendation or otherwise fails to cooperate with the Council, then the Council may proceed with further action against the accused member dentist.
2. All investigations by the Council are deemed ongoing until resolved by agreement or hearing or referred to some other entity;

- a) Recommend that the case be dropped for lack of substantial documentary evidence and/or for failure to establish violations of the TDA [Principles of Ethics and Code of Professional Conduct](#), the ADA [Principles of Ethics and Code of Professional Conduct](#), or applicable law;
- b) Recommend that the TDA's prosecuting attorney review the case for possible citation to hearing; and/or
- c) Refer the complaint to the Texas State Board of Dental Examiners.

D. THE COUNCIL'S INVESTIGATION

1. Any council member having prior knowledge of either the accused member dentist or the situation under review may abstain from participating in the particular case to be reviewed.
2. The results of the Council's investigation will be documented in a letter sent to the component society where the complaint originated. Component societies can expect notification of the following, where applicable:
 - a) The case was dropped because insufficient evidence was found to substantiate the charges;
 - b) Additional information is requested in order to make a decision regarding how to proceed with regard to the complaint;
 - c) The matter was resolved and, if appropriate, the nature of the resolution;
 - d) An informal resolution is requested by the Component Judicial Committee, requiring the Component Judicial Committee to counsel the accused member dentist regarding the allegations against him or her (possible violations will be outlined in the Council's correspondence);
 - e) A notification that the case has been referred to the TDA's prosecutor for consideration of further action (e.g., citation to hearing);
 - f) The case was referred to the Texas State Board of Dental Examiners for investigation of alleged violations of applicable laws; and/or
 - g) Another course of action is deemed appropriate for the purpose of resolving the complaint.
4. Following receipt of the Council's decision, the Component Judicial Committee may be required to take certain action, depending on the results described in the Council's letter. Most of the letters will be self-explanatory; however, a few points should be noted here:
 - a) If the accused member dentist is entitled to notification, then the correspondence shall not come directly from the Council but shall come from the Component Judicial Committee. The Component Judicial Committee shall prepare a letter, not less than 21 business days before the hearing, and send it to the accused member dentist, on component society letterhead, informing the dentist of the areas defined as possible violations of the TDA [Bylaws](#), [Principles of Ethics and Code of Professional Conduct](#), the ADA [Principles of Ethics and Code of Professional Conduct](#), or applicable laws or rules.

- b) In pending actions, all parties involved are instructed **NOT** to make any oral or written comments alleging that the dentist “**IS IN VIOLATION**” of the Principles of Ethics and Code of Professional Conduct of the TDA or ADA or of any applicable laws or rules. Since all parties are innocent of wrongdoing unless found guilty by an authorized Council hearing, all references to the allegations in question should be cited as “**POSSIBLE VIOLATIONS.**”
- c) Similarly, when communicating with an accused member dentist, the Council encourages component societies to avoid using statements such as “The Council says this is wrong.” Component Judicial Committees have the authority to review allegations of unethical activity and should exercise that authority in a positive, respectful manner, indicating that certain actions “MAY BE in violation” of the Principles of Ethics and Code of Professional Conduct of the TDA or ADA or of any applicable laws or rules instead of indicating that certain actions “ARE in violation” of the Principles of Ethics and Code of Professional Conduct of the TDA or ADA or of any applicable laws or rules.
- d) If the Council’s correspondence requests that the Component Judicial Committee counsel a dentist, then the Component Judicial Committee should document its meeting with the accused member dentist in writing and confirm its recommendations or requests to the accused member dentist in writing after the meeting. If the accused member dentist does not comply with the Component Judicial Committee’s written recommendations or requests, then information on the meeting and copies of all correspondence and other documents, if any, should be forwarded to the Council with a new completed “Council Referral Form.” See Appendix, Form 1.
- e) If the Component Judicial Committee receives notification from the Council that a case is being forwarded to the TDA’s prosecutor for review, then the accused member dentist may be cited to hearing. The accused member dentist’s first notice of citation to hearing must come from the Council and not the Component Judicial Committee. Depending on the case load, it could be months before the charges are actually mailed. **Strictest confidentiality** should be upheld during this period. See Section III.B. above.

VI. HEARING PROCESS

A. INTRODUCTION

The Council holds a hearing when all other remedies have been exhausted concerning alleged violations of the ADA or TDA Principles of Ethics and Code of Professional Conduct or applicable laws or rules. For example, a hearing may be held when the component society has failed in its attempts to resolve the matter through Component Judicial Committee meetings or counseling, and the Council has been unable to reach a settlement agreement with the accused in lieu of a citation to hearing.

The Council, as the entity charged with enforcing the TDA Principles of Ethics and Code of Professional Conduct follows procedures similar to those of the civil courts when citing a member to hearing. Due process dictates that formal charges must be issued to the accused and a hearing must be scheduled for the purpose of the accused member dentist’s defense. The ensuing hearing is held by the Council at the TDA’s headquarters in Austin.

The authority to hold hearings is provided in Chapter X, Section 20 of the TDA [Bylaws](#):

The accused member shall be entitled to a hearing at which he shall be given the opportunity to present a defense to all charges brought against the accused. The TDA shall permit the accused member to be represented by legal counsel.

See the TDA [Bylaws](#), Ch. X, §20(E).

B. THE HEARING

1. No Council member shall act upon any matter in which the member has been previously involved or has any personal interest.
2. Any accused member dentist who is cited to hearing may file with the Chairman of the Council, within 10 business days of the date of the notice of citation of hearing, a written request for disqualification of a member of the Council for a particular hearing by stating the grounds for disqualification, which may include:
 - a) The Council member has knowledge of, or a bias concerning, the case based on the location or nature of his or her practice;
 - b) The Council member knows the accused member;
 - c) The Council member has personal knowledge of the charges brought against the accused member outside the information provided in the formal charges and specifications received by the Council member;
 - d) The Council member has formed conclusions regarding the nature of the charges brought against the accused member;
 - e) The Council member has a pecuniary interest in the outcome of the hearing regarding the accused member; and
 - f) The Council member would be unable to render a fair and impartial decision regarding the charges brought against the accused member. If, based on the accused member dentist's request for disqualification of a member of the Council, a majority of the members of the Council finds any grounds for disqualification or finds any other facts, which in its judgment may prevent a member from rendering an impartial decision, then the member of the Council made subject of the written request for disqualification shall be disqualified. Only timely written requests for disqualification shall be considered. See, e.g., the ADA [Procedures for Member Disciplinary Hearings and Appeals](#).
3. The Chairman of the Council may appoint members of Component Judicial Committees or other members who are trained in TDA Judicial procedures to serve as ad hoc members if there are not enough Council members. See the ADA [Procedures for Member Disciplinary Hearings and Appeals](#).
 - a) In order to appoint a Component Judicial Committee member to serve on the Council for purposes of the hearing, the Council Chairman shall request an ad hoc form from the TDA's Member Services and Administration Program Manager.

- b) If the Chairman appoints one or more members of Component Judicial Committees to serve on the Council on an ad hoc basis, then the Chairman shall notify the accused member dentist of the member(s) who have been appointed to serve on the Council on an ad hoc basis within 5 business days of his, her, or their appointment.
 - c) The accused member dentist then has 5 business days to object in writing to the appointed member(s) and provide the -basis for his or her disqualification. Only timely written requests for disqualification shall be considered.
4. Similarly, each Council member who is disqualified shall have an ad hoc replacement so that the number of Council members remains the same.
- a) In order to replace a disqualified Council member with an ad hoc Council member, the Council Chairman shall request an ad hoc form from the TDA's Member Services and Administration Program Manager.
 - b) The Council Chairman shall provide notice of the name of the ad hoc Council member to the accused member dentist within 5 business days of selecting the ad hoc member.
 - c) The accused member dentist has 5 business days from the date of the notice of the proposed ad hoc Committee member to object in writing to the proposed member and provide the basis for his or her disqualification. Only timely written requests for disqualification shall be considered. *See, e.g.,* the ADA [Procedures for Member Disciplinary Hearings and Appeals](#).

C. RIGHT TO LEGAL COUNSEL

TDA's legal counsel prosecutes cases against accused member dentists on the TDA's behalf. The TDA [Bylaws](#) provide that the accused is also entitled to retain legal counsel if desired to represent him or her at hearing or with regard to any appeals. *See* the TDA [Bylaws](#), Ch. X, §20(E). The Council must be notified in writing at least 10 business days prior to the hearing if the defendant will be represented by legal counsel.

D. RIGHT TO HEARING CONTINUANCE

Upon notification of the date, time, and place of the hearing, the accused member dentist is afforded the right to one hearing continuance of not more than 30 business days from the original hearing date. The accused shall notify the Council of his or her request for continuance within 10 business days of receipt of the letter citing to hearing.

E. SETTLEMENT AGREEMENTS

Upon notification of citation to hearing, the accused member dentist may request to settle the matters made subject of the complaint against him or her with the Council. If acceptable settlement terms are reached, then the agreement shall be drafted and mailed to the accused member dentist for approval and signature. The settlement goes into effect once the accused member dentist, the component society, and the TDA's Executive Director sign the agreement.

If settlement terms are not reached and the parties are unable to settle, then the case may go to hearing as indicated herein and the TDA [Bylaws](#).

NOTE: COMPONENT SOCIETIES MAY PERMIT THE EXECUTIVE DIRECTOR, DENTAL SOCIETY PRESIDENT, OR JUDICIAL COMMITTEE CHAIRMAN TO SIGN THESE AGREEMENTS ON THE COMPONENT SOCIETY'S BEHALF.

F. HEARINGS AT THE COMPONENT LEVEL

A component society has the right to initiate disciplinary proceedings or to hear any charges against an accused member dentist **FOLLOWING THE TDA COUNCIL'S DECISION NOT TO INITIATE SUCH DISCIPLINARY PROCEEDINGS.** See TDA Bylaws Chapter X, §20(B).

Specifically, TDA Bylaws Chapter X, §20(B) provides that:

Except as provided hereafter, disciplinary proceedings shall be initiated only by the [Council] either upon its own initiative or upon request of any component society. A component society shall refer disciplinary matters to the [Council] with a request that said Council initiate disciplinary proceedings with respect thereto. In the event that the [Council] declines to initiate the disciplinary proceedings so requested, the Council shall promptly notify the component society which referred the matter of the Council's decision and said component society may therefore at its discretion initiate disciplinary proceedings. In such event, the component society then assumes all liability for such actions.

TDA Bylaws Chapter X, §20(B).

Component dental societies are urged to consider the grounds for the Council's decision not to prosecute an accused member dentist in a given case before proceeding against the accused member dentist.

G. GUIDELINES

All hearings shall be held in accordance with the ADA [Procedures for Member Disciplinary Hearings and Appeals](#) and the TDA [Bylaws](#), Chapter X.

H. APPEALS PROCESS

Decisions which shall result in censure, suspension, expulsion, or probation "shall be reduced to writing and shall specify the charges made" against the accused member dentist, "the facts which substantiate any or all of the charges, the verdict rendered, the penalty imposed," or, when appropriate, "the suspended penalty imposed and the conditions for probation, and a notice shall be mailed to the accused member, informing him or her of his or her right to appeal." TDA [Bylaws](#), Ch. X, §20(E). A copy of the written decision is mailed by certified mail, return receipt requested to the last known address of the accused member dentist, the secretary of the component society of which the accused member dentist is a member, the Chair of the Council, and the Secretary of the TDA within 10 business days of the date the decision is rendered. See TDA [Bylaws](#), Ch. X, §20(E).

1. Appealing a Component Society's Decision

If the hearing was held at the component society level, then the accused member dentist, who has received a sentence of censure, suspension, or expulsion has the right to appeal the decision of the component society to the TDA by filing an Affidavit of Appeal with the Secretary of the TDA. See TDA [Bylaws](#), Ch. X, §20(F). A notice of appeal must be filed with the Secretary of the TDA

within 30 business days of the date the component society rendered its decision in order to be timely and valid.

a) Briefs relating to Appeals

Any supporting brief filed by the appellant must be filed with the Secretary of the TDA within 60 business days of the date the component society rendered its decision. See TDA [Bylaws](#), Ch. X, §20(F). Any reply brief filed by the appellee must be filed with the Secretary of the Association within 90 business days of the date of the component society rendered its decision. See TDA [Bylaws](#), Ch. X, §20(F)(a). Any rejoinder brief must be filed within 105 business days of the date the component society rendered its decision. See TDA [Bylaws](#), Ch. X, §20(F)(a).

b) Hearing the Appeal

At least 45 business days shall pass after the last brief was filed before the hearing date. See TDA [Bylaws](#), Ch. X, §20(F)(a). According to the TDA [Bylaws](#), “[n]o decision shall become final while an appeal therefrom is pending or until the thirty (30) day period for filing notice of appeal has elapsed. In the event of a sentence of expulsion and no notice of appeal is received within the thirty (30) day period, the Secretary of [the TDA] shall notify all parties of the failure of the accused member to file an appeal. The sentence of expulsion shall take effect on the date the parties are notified.” TDA [Bylaws](#), Ch. X, §20(F)(b).

(1) If an appeal is made pursuant to the TDA [Bylaws](#), then the accused member dentist is entitled to a hearing before the Council and is entitled to be represented by counsel at the hearing. A party, however, is not required to appear before the Council in order for his or her appeal to be heard. See TDA [Bylaws](#), Ch. X, §20(F)(c).

c) Notice of Hearing

If the Council has received notice of appeal, then it shall notify in writing the component society and the accused member dentist of the time and place of the hearing. The notice shall be sent by registered mail to the last known address of the component society and the accused member dentist at least 30 business days before the hearing date. The Council, in its discretion, may grant or deny continuances of the hearing date. See TDA [Bylaws](#), Ch. X, §20(F)(d).

d) Record of Proceedings

The component society shall furnish to the Council and the accused member dentist a transcript or officially certified copy of the minutes of the component society hearing, which shall be served with certified copies of any affidavits or other documents submitted as evidence by either party at the hearing. See TDA [Bylaws](#), Ch. X, §20(F)(e). If the component society does not transcribe hearings, then the accused member dentist, at his or her own expense, is entitled to have a court reporter transcribe the hearing. See TDA [Bylaws](#), Ch. X, §20(F)(e).

e) Jurisdiction

The Council shall review the decision made subject of the appeal to determine if the evidence presented to the component society supports the decision or justifies the penalty imposed. See TDA [Bylaws](#), Ch. X, §20(F)(f). The Council 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.” TDA [Bylaws](#), Ch. X, §20(F)(f).

f) The Council's Decision

A copy of the Council's opinion shall be sent by certified mail, return receipt requested to the last known address of the accused member dentist, the secretary of the component society at issue, and the Secretary of the TDA within 30 business days of the date on which the decision was rendered.

g) Appellate Decision

All decisions of appeals shall be in writing and shall state clearly the Council's conclusion and the reasons thereof. The Council has the discretion to:

- (1) Uphold the decision of the component society;
- (2) Reverse the decision of the component society, thereby exonerating the accused member dentist;
- (3) Deny an appeal that fails to satisfy the requirements set forth in Chapter X, Section 20 of the TDA [Bylaws](#);
- (4) Refer the case back to the component society for a new proceeding if the accused member dentist was not afforded the rights available to him or her under the applicable provisions of the TDA [Bylaws](#);
- (5) Remand the case back to the component society for further proceedings if, in the Council's opinion, the appellate record is insufficient to enable it to render a decision;
- (6) Uphold the decision of the component society and reduce the penalty imposed.

2. Appealing the Council's Decision

All appeals of the Council's decision shall be made to the TDA's Board of Directors provided that they are made pursuant to Chapter X of the TDA [Bylaws](#). Both parties may be represented by counsel. According to the TDA [Bylaws](#), the "Board of Directors shall have the discretion in rendering a decision and shall give notice of such decision in like manner as set forth for the [Council]" in Chapter X, Section 20(F) of the TDA [Bylaws](#). TDA [Bylaws](#), Ch. X, §30. Further, according to the TDA [Bylaws](#), "[b]alloting shall be by secret ballot." TDA [Bylaws](#), Ch. X, §30.

3. Appealing the Board of Director's Decision

Pursuant to the TDA [Bylaws](#), "[a]ny member who may aggrieved by a final decision of [the TDA] shall have the right of appeal to the Council on Bylaws and Judicial Affairs of the [ADA] as set forth in the [Constitution](#) and [Bylaws](#) of [the ADA]." TDA [Bylaws](#), Ch. X, §40.

4. Final Appellate Action

A disciplinary penalty may not be invoked against an accused member dentist until all appeals have been exhausted or until the time within which the parties could have appealed has passed and no appeals were taken.

5. Non-Compliance with the TDA [Bylaws](#)

The Council or the TDA's Board of Directors, whichever is appropriate under the circumstances, shall determine the effect of any technical failure to conform to the procedural requirements set forth in Chapter X of the TDA [Bylaws](#). See TDA [Bylaws](#), Ch. X, §60.

6. Compliance with the ADA [Bylaws](#)

Proceedings conducted pursuant to Chapter X of the TDA [Bylaws](#) shall be in conformity, and construed in accordance, with the ADA [Bylaws](#) and any amendments thereto. See TDA [Bylaws](#), Ch. X, §70.

VII. MEMBERSHIP REACTIVATION/REAPPLICATION PROCEDURES

A. REAPPLICATION PROCESS

If a dentist seeks to become a member of a component society, and the applicant was a previous member and/or for some reason let his or her membership lapse, then he or she will be required to submit to the Component Judicial Committee a signed copy of the membership reactivation form.

1. The form must be filled out and signed by the dentist who seeks to reactivate or reapply for membership with a component society.
2. After receiving the completed form, the Component Judicial Committee shall check with the Member Services and Administration Program Manager to see if there are any ethics, peer review, or judicial cases pending against the applicant.
3. If there are any ethics, peer review, or judicial cases pending against the applicant, then the applicant shall be informed in writing of the unresolved issues.
 - a) If the applicant agrees to face the unresolved matters against him or her, then his or her application will be accepted by the component society if it receives a recommendation from the Component Judicial Committee to do so.
 - b) However, if the applicant refuses, or does not want, to face the unresolved matters, then the applicant must withdraw his or her application within 14 business days of the date the written notice of the unresolved matters pending against him or her was sent.
 - c) If the applicant fails to withdraw his or her application, then the application will be accepted by the component society upon recommendation of the Component Judicial Committee, and the Component Judicial Committee, in consultation with the Council, may review and/or take whatever action deemed necessary and permissible with regard to the pending matters.

VIII. TRANSFERRING MEMBERSHIP

A. OVERVIEW

A member who is unsuccessful in transferring his or her membership from one component society to another shall be entitled to appeal the decision denying the member's application for transfer with the Council pursuant to the TDA [Bylaws](#).

B. NOTIFICATION OF TRANSFER REQUEST DENIAL

If a member dentist's request to transfer membership is denied, then the TDA shall notify the member dentist in writing that the request was denied and shall notify the member dentist in writing of his or her right to appeal the decision to deny the request.

C. TRANSFER REQUEST DENIAL APPEAL PROCESS

If the member dentist decides to appeal the decision to deny his or her request to transfer membership, then the member dentist shall send a written letter requesting an appeal to the Council within 45 business days of the date his or her request to transfer membership was denied. The letter must include any documentation of the reason for the appeal.

1. The Council Chairman shall assign the case to one member of the Council for investigation.
2. The Council member assigned to investigate the appeal will investigate the matter by contacting all parties involved and will report his or her findings to the Council.
3. The Council may decide, in its discretion, to:
 - a) Hold an informal conference; or
 - b) Render a decision on the appeal independent of an informal conference.
4. The decision of the Council may be appealed to the TDA's Board of Directors. The appeal of the Council's decision must be submitted in writing to the TDA's Board of Directors within 45 business days of the date of the Council's decision in order to be considered.
5. The decision of the TDA's Board of Directors may be appealed to the TDA's House of Delegates. The appeal of the TDA's Board of Directors' decision must be submitted in writing to the House of Delegates within 45 business days of the date of the TDA's Board of Directors' decision in order to be considered.
6. The TDA's House of Delegates' decision is final.
7. If transfer of membership has been denied based on suspected unethical or illegal activities, then it should be treated as a judicial complaint and handled as such.
8. All appeals must be submitted in writing in the time required and shall be decided on the written materials submitted to the appropriate appellate body unless otherwise indicated.

APPENDIX

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[FORMS TO FOLLOW]**

JUDICIAL CASE FLOW SHEET

COMPONENT JUDICIAL COMMITTEE

1. RECEIVES AND INVESTIGATES ALL BACKGROUND MATERIAL AND COMPLAINT
2. ATTEMPTS TO RESOLVE CASE – COUNSELS
3. REFERS TO COUNCIL ON ETHICS AND JUDICIAL AFFAIRS FOR FURTHER ACTION

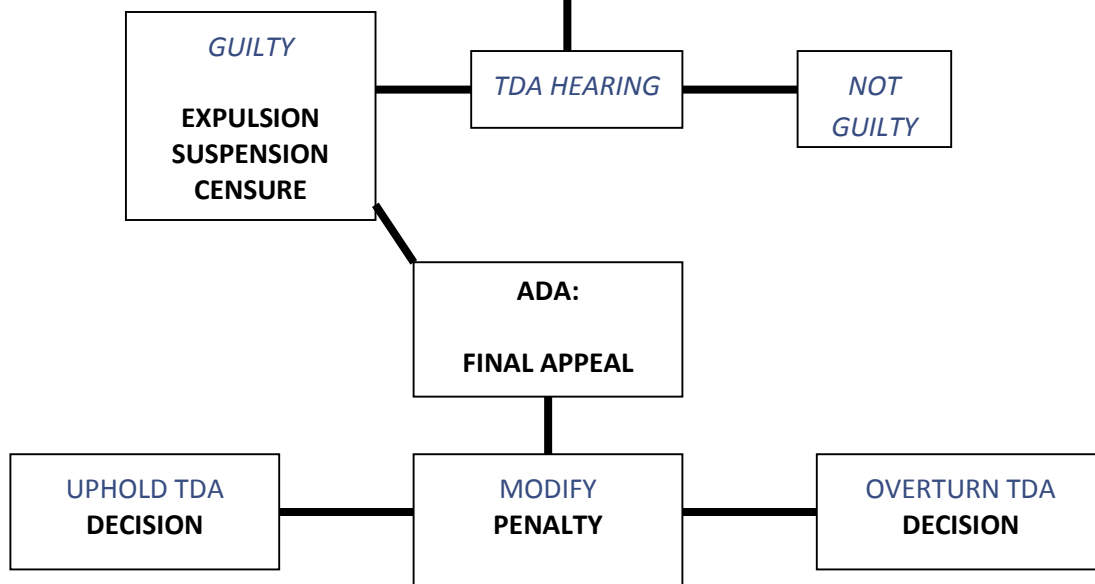
COUNCIL ON ETHICS AND JUDICIAL AFFAIRS

1. REVIEWS CASE FOR ACCURACY AND DUE PROCESS
2. DECISION ON APPROPRIATE ACTION:
 - A. NEED MORE INFORMATION
 - B. COUNSELING BY COMPONENT
 - C. INFORMAL CONFERENCE
 - D. DROP CASE
 - E. REFER TO PROSECUTOR TO CITE HEARING

STATE BOARD OF DENTAL EXAMINERS

PROSECUTOR

1. REVIEWS CASE
2. RECOMMENDS TO DROP CASE
3. RECOMMENDS CITE TO HEARING
 - A. SETTLES CASE
 - B. GOES TO HEARING



JUDICIAL COMPLAINT OVERVIEW

** General Responsibilities of the Component (Local) Committee Members* (Specific details can be found in the Judicial Manual)

I. CHAIRMAN RECEIVES AND EVALUATES ALL BACKGROUND MATERIALS AND COMPLAINTS

1. Upon receipt of a written complaint, immediately date and note the source. Document and verify all information. (Refer to page 6-7, IV. Component Judicial Investigations, [D. Receipt and Documentation of Complaints](#) of manual)
2. The Judicial Committee cannot consider alleged unethical acts of non-TDA members. The Committee must refer these complaints to the TDA Council on Ethics and Judicial Affairs for a possible referral to the Texas State Board of Dental Examiners.
3. A complaint must fulfill certain criteria as outlined in the Judicial Manual. (See [Appendix – Form 2](#))
4. Complaints must be accompanied by supportive records and pertinent information.
5. Any attempts to resolve differences must be documented.
6. The Component Judicial Committee chairman may determine if case is eligible for review.

II. ATTEMPTS TO RESOLVE THE CASE - REVIEW PROCESS

A. First steps

1. Component Judicial Committee chairman gathers all pertinent information, assigns a case number, and may send a copy of the complaint to the doctor the complaint is against. The component number first, followed by the year and the consecutive case number, for example, 5-1994-1.
2. The Component Judicial Committee chairman appoints one member to act as investigator.
3. Within 10 business days, the investigator contacts all parties and attempts to reconcile the differences. This should be informal.
4. Document and date all contacts with doctors, patients, etc.
5. Under no circumstance does the investigator examine a patient, if a patient is involved.
6. The investigator submits a written report to the Component Judicial Committee chairman.

7. The chairman will then write the necessary letters when needed. When the case is closed, notify the TDA in writing.

B. Meeting with the accused dentist

1. A Component Judicial Committee may meet with one another and/or with the accused member dentist as part of its investigation of the complaint.
2. This is an informal meeting.
3. Talk one-on-one with each of the involved parties.
4. Documentation of every meeting **is required**, but verbatim transcripts are not to be made or kept. Use case number not name.
5. Decision is made by the Committee.
6. If no violation exists, the Committee will notify all parties.
7. If a violation exists, the Committee may counsel at the local level and if successful, the case is closed. Next, complete the [Judicial Complaint Reporting Form](#) and forward to the TDA.
8. If counseling is unsuccessful, the Judicial Committee may decide to refer this case the TDA Council on Ethics and Judicial Affairs.
9. A written report is then made by the chairman.

C. Communications

1. If no violations exist, notify all parties that no violations were found.
2. Notify TDA of the result.
3. Mail the [Judicial Complaint Reporting Form](#) once the case is concluded.
4. In each step of the review, **all letters and documents** must be marked **CONFIDENTIAL**.
5. All phone conversations and informal discussions must be documented, dated and retained by the Chairman.
6. All cases **must** be kept in the **strictest confidence**.
7. Mail a copy of the [Judicial Complaint Reporting Form](#) to the TDA Council on Ethics and Judicial Affairs to the TDA Central Office when the case is completed.

8. If referring this case to TDA, complete the [Council Referral Form and the Judicial Complaint Reporting Form](#) and mail to the TDA Central Office

III. THE COMMITTEE REPORT, WHEN REFERRED TO TDA COUNCIL ON ETHICS AND JUDICIAL AFFAIRS

1. Facts only, no editorializing.
2. No extraneous comments.
3. Notify all parties in writing that the matter has been referred on to the TDA Council on Ethics and Judicial Affairs.
4. Keep all records and contents confidential.
5. **Make sure these records are part of your dental society's records.** Retain all records in a safe place.

IV. COUNCIL INVESTIGATION

1. The TDA Council on Ethics and Judicial Affairs follows the same basic investigation procedures as the local committees.
2. The results of the Council's review will be documented in a letter sent to the Component Judicial Committee chairman.
3. Following receipt of the Council's decision, the local Component Judicial Committee may be required to take certain action, depending on the results described in the letter.
4. The case is closed.



Membership Reactivation – Reapplication Form

This form must be filled out by those reactivating or reapplying for membership in the Texas Dental Association.

Name: ADA #: Office Address: Home Address: City/State/Zip: City/State/Zip: Phone: Phone: Fax: Email:

Which address should we use as your primary mailing address? Home Office

TDA District of previous membership:

Last year of membership in district:

Are you aware of any unresolved Peer Review or Ethics & Judicial complaints from your previous membership? YES NO

If YES, explain:

PLEASE NOTE: Resolution 107-1997-H which states:

Resolved, that the Bylaws of the TDA be amended by the addition of a new section F to be named "Re-application-Special Cases Related to Disciplinary Proceedings" in Chapter I, Sec 60 which reads:

Prior to consideration for reinstatement of membership in the component society, an applicant must agree, in writing, that if elected, he/she will face all pending charges or complaints, whether they be judicial, ethical, peer review, levied against the individual while a previous member of the component society of this Association. Resigning or allowing membership to lapse when there are pending ethical, judicial, or peer review proceedings shall be considered unethical conduct. A resignation from membership, or a membership lapse prior to final resolution of any ethical, judicial or peer review proceeding, which gives rise to a charge of possible unethical conduct, shall be considered a pending charge a former member must face.

I have read Resolution 107-1997-H and understand that I must face any pending ethics, judicial, or peer review charges or complaints prior to consideration for reinstatement of membership.

Signed Date

COUNCIL REFERRAL FORM

1. Case #: _____

2. What sections of the TDA's Principles of Ethics and Code of Professional Conduct do you think the dentist may have violated? (Cite page and section #'s)

3. State your reasons: _____

4. How did you learn of the member's conduct?

5. Does the member know that the judicial committee has conducted an investigation?

Yes No N/A

6. What information, if any, has been revealed to the dentist concerning the investigations?

7. Has the judicial committee met informally with the member and advised him/her of the charges that were made?

Yes No N/A

8. Did the committee discuss the possibility of an informal resolution with the member?

Yes No N/A

9. Is the complete packet of documented information being sent with this form to the Council on Ethics and Judicial Affairs?

Yes No N/A

Date _____

Signature _____

Name _____

Component _____

Title _____

JUDICIAL COMPLAINT REPORTING FORM

1. Case # _____ Component # _____

2. Date: _____

3. Type of Complaints (check all that apply)

- A. Peer Review
 - 1. Failure to Provide Records
 - 2. Failure to Refund Money
 - 3. Three or more complaints
 - 4. Other (specify)

- B. Judicial Committee
 - 1. Advertising
 - a. Specialty Problems
 - b. Non-verifiable claim
 - c. Illegal discounts

 - 2. Other

C. Dentist vs. Dentist

1. Specify type of ethical violation:

D. Other (allied health organization, patient) _____

1. Specify type of ethical violation:

4. Resolution

- A. No violations
- B. Resolved by counseling
- C. Referred to Council on Ethics and Judicial Affairs

Date _____

Signature _____

Name _____

Component _____

Title _____