

AMERICAN COLLEGE OF DENTISTS

NEW YORK SECTION • ISSUE 42 • JANUARY 2018



WESTCHESTER



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CHAIRPERSON'S MESSAGE – ROBERT P. IOVINO, DDS

Why the ADA's Brief Ethical Code "Works." *

On June 4th, 1904, during the formative years of dentistry's establishment as a true profession, Emory A. Bryant, DDS, delivered his paper, titled The Code of Ethics of the Dental Profession, before the National Capital Dental Society. 'Bryant believed that he had selected an "opportune" subject, noting that few society members in his audience were affiliated with the ADA or other dental "organizations", and "that not one in one hundred of the members of societies which have been organized in the past have ever read or seen the laws of ethics or our profession." Bryant maintained, compounding this problem, very few dentists who actually read the ethical code properly understood it. Bryant explained, dentists were mistakenly of the opinion that the "code of ethics is composed of rules of an iron-clad nature laid down for the purpose of governing the actions of the members of the profession."

Bryant's candor was probably not very popular with his peers; however, Bryant had a point, as well as more than a passing familiarity with key portions of Aristotle's Ethics. Bryant, like Aristotle, understood that ethics concerns practical matters and that we would be wise not seek mathematically precise answers. The particulars possible within any challenging moral situation preclude the possibility of ever creating an all-inclusive "iron-clad" set of rules or guidelines to provide just solutions. Bryant noted: "As is the case of law, there can be no iron-clad rules laid down to govern all the various occasions that may arise." Bryant points to the necessity of the Aristotelian virtue of practical wisdom in dental practice when he to write: "Like the law, the code of ethics is subject to the rule of common sense (My emphasis – see second paragraph below.) and justice, and each occasion must be governed by the circumstances."

Quite likely, Bryant also possessed a familiarity with the Aristotelian concept of equity. Bryant, in his address, noted that the particulars possible in any case dictate that "reason dominate any or all rules" of justice. Like the practically wise equitable judge, the morally competent dentist does not require an exhaustive list of rules to determine the appropriate ethical course of action.

continued on page 2

JANUARY MEETING
ACD NEW YORK SECTION
DATE: Tuesday, January 16, 2018
TIME: RECEPTION: 6:00 PM
DINNER: 6:45 PM
PLACE: Penn Club
30 West 44th Street
(Btwn. 5th and 6th Aves.) NYC
Spouses and Guests Welcome!

PROGRAM:
Annual Banquet
and
Installation of Officers

IMPORTANT MEETING DATES TO REMEMBER 2018:

Tuesday, April 1, 2018
Regular Meeting at the Penn Club
Tuesday, October 2, 2018
Regular Meeting at the Penn Club

IMPORTANT:

Please note that this is a meeting notice.
Registration form is on page 3.
Please fill out form and return by
January 12, 2018

AMERICAN COLLEGE OF DENTISTS EXECUTIVE COMMITTEE NEW YORK SECTION

ROBERT P. IOVINO
CHAIR

JERRY HALPERN
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VICE CHAIR

YAKIR ARTEAGA
SECRETARY-TREASURER

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HISTORIAN

JULIE A. CONNOLLY
MEMBER-AT-LARGE

JENNY LEE
EDITOR

(Or hundreds of pages opinions and citations as found in the current AMA Code.) Rather the dentist simply requires a brief set of general guidelines or principles, that can be adapted like the stonemason's malleable lead measuring rulers on the Greek Island of Lesbos. Equity permits the correction of a general rule, principle or law to fit the particulars of any given situation; practical wisdom combined with equity permits the morally competent dentist to select the appropriate course of action in light of the particulars of any ethically challenging situation. We see these elements operative within our current versatile, user-friendly ADA Code of Ethics. Simply stated: In the hands of a dentist possessing practical wisdom, and a regard for equity, a well-constructed brief ethical code is more than adequate.

Bryant's use of the term "common sense" was quite possibly influenced by the extensive popularity, in the United States, during the late nineteenth century, of Scottish "common sense" ethical theory. Enlightenment Scottish scholars (Note: Besides influencing the development of a philosophical method termed "American Pragmatism", the Scots played a large role in the early development of the modern disciplines of psychology, sociology, anthropology, and economics.)² placed a strong reliance on validity of human observation and self-consciousness. The extraordinarily skilled, under-appreciated, Scottish philosopher Thomas Reid (1710-1796) maintained that simply via the observation of consciousness we may intuitively derive principles of "common sense" by which to guide our moral actions.

Another Scott of considerable note is W.D. Ross (1877-1971) an Oxford classics scholar, translator of Aristotle, and moral philosopher, whose key original ideas in ethics have, profoundly influenced our current ADA Code. (Aristotle's influence on Ross's ethical theory is often underappreciated; an excellent summary of this key connection is provided by David L. Simpson's selection on W.D. Ross, found on the peer-reviewed Internet Encyclopedia of Philosophy.) Ross's significant original innovations in the field of normative ethics were in the development two related concepts (Both are key elements in principlism, the current method by which we do dental ethics.): First, Ross maintained that with experience, the self-evident *prima facie* rightness of an act first becomes known, and from this awareness "we come by reflection to apprehend the self-evident general principle of *prima facie* duty" (Ross, *The Right and the Good*, Oxford University Press, 2002, p.33). Simpson states that Ross's theory of *prima facie* duty was "clearly influenced by core elements and principles of Aristotelian moral philosophy." (IEP) Second: Ross distinguished between what are our valid *prima facie* duties and what, in any particular situation, is our actual obligation; a distinction that Beauchamp and Childress emphasize "provides indispensable categories for biomedical ethics" (Beauchamp and Childress, *Principles of Biomedical Ethics*, 7th Ed., Oxford University Press, 2013, p. 16). Notably, the key phrase "the decision rests with perception" found in Ross's notable work *The Right and the Good* is borrowed directly from Aristotle's *Nicomachean Ethics*. While Aristotle utilized the phrase to explain how to identify the mean, Ross utilized it to identify how to decide how to determine which *prima facie* principle has priority in times when they come into conflict.

Finally, as we complete our brief forensic analysis of the ADA Code, it is safe to say, nobody has exerted greater influence on the development of our current version of the ADA Code of Ethics than Tom Beauchamp and James Childress. This attribution is based on the extraordinary profound influence that Beauchamp and Childress's 'Four Principles Theory' has had in the area of health care ethics. Significantly, Beauchamp and Childress did not arrive at their theory working in a vacuum. They openly acknowledge their debt to Ross; Beauchamp and Childress write: "The ethics of W.D. Ross...has had...more influence on the present authors than any recent writer in ethical theory."³ Their successful 'four principles theory' makes significant use of Ross's two major theoretical ethical innovations. While Beauchamp and Childress substitute their concept of the "common morality" for Ross's intuitionism as the source of their four principles, their claim that they actually "largely ignore"⁴ Ross's scholarship on Aristotle is a matter of debate and interpretation. In a major revision of our ethical code completed in 1996 the ADA Council adopted a slightly modified version of Beauchamp and Childress's four principles into the ADA Code, adding the fifth principle of veracity. So, understood – "The rest is history."

¹Bryant's address was later published in *The Dental Brief*, Volume X, No. 1, January 1905.

²For an easy-reading fascinating history detailing the unique characteristics and vast impact of the Scottish Enlightenment see: Arthur Herman's, *How the Scots Invented the Modern World*, Crown Publishers, 2001.

³Beauchamp, T. and Childress, J. *The Principles of Biomedical Ethics: 4th Edition*, Oxford University Press, 1994, p.103. This text is now in its seventh edition (2013). Since its publication in 1979 *The Principles of Biomedical Ethics* has been considered by many to be the foundational work in the development of the modern discipline of bioethics.

⁴*Ibid.*

*Version submitted to the *Journal of Dental Humanities*.

CONGRATULATIONS!!!

The New York Section of the American College of Dentists extends congratulations to the Fellows who have achieved 15, 25 and 50 year status. We look forward to seeing you at the meeting on January 16, 2018, where we will award you with your pins. We also recognize those new Fellows who were inducted into the College at the annual meeting, recently held in Atlanta, and will officially recognize you as a member in the New York Section.

15 Year Fellows (inducted in 2003)

George E. Bambara
Peter M. DiFiore

Steven Gounardes
Paul M. Hertz

Alfred A. LaPorta
Sheldon Nadler

25 Year Fellows (inducted in 1993)

Joel T. Gluck
Robert Karsten

Jay S. Orlikoff
Reneida E. Reyes

Victor Sternberg

50 Year Fellows (inducted in 1968)

Lloyd S. Landa

New Fellows (inducted in 2017)

Lawrence E. Brecht
Suchie Chawla
Pamela J. Combs
Kenneth B. Cooperman

Edmond Khoo
Peter Loomer
Ioanna Mentzelopoulou
Andrew G. Schwartz

Mitchell Teitlebaum
Bobby Vijay
Eric A. Wachs
Aaron E. Yacoskie

Guests are welcome, please consider bringing one or more

MEETING RESERVATION

BE SURE TO MAKE RESERVATIONS WITHOUT DELAY!

Please reserve the following for Tuesday, January 16, 2018

Penn Club, 30 West 44th Street, New York City

NAME: _____

GUEST NAME(S): _____

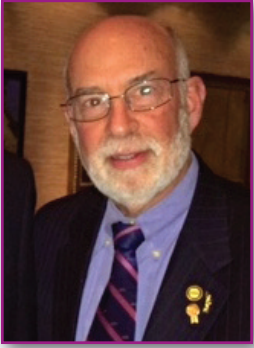
Enclosed is my check for \$175.00 per person, payable to the American College of Dentists

Please return by January 11, 2018 to:

Carol Bensky, ACD New York Section

426 Hudson Street, Hackensack, NJ 07601 (201) 440-4498

ACD REGENT'S REPORT- NY SECTION – MARK A. BAUMAN



Many of us had the opportunity to be in Atlanta, Georgia for the ACD 2017 Annual Meeting and Convocation, and several also attended the American Dental Association Annual Session, including the ADA House of Delegates meeting. The ACD Board of Regents met for the first day and a half prior to the Annual Meeting. One highlight was recognizing outgoing ACD Executive Director Dr. Stephen A. Ralls for his many years of service to ACD as he retires, and welcoming incoming Executive Director Dr. Theresa S. Gonzalez. Dr. Gonzalez has been a Regent-at-Large for the last three years prior to assuming her new role. Dr. Ralls will step down as ED, but he will return to the Board as our new Vice-President.

Some highlights from the Board of Regents meeting include having a sound financial budgetary condition; new management software; a new, updated website that should be online in a few months; a number of committee updates and reports. The Board also welcomed a number of new members: former ADA President Dr. Robert M. Anderton is the new Regent for Regency 6; he is also a practicing attorney and has already provided excellent counsel to the Board; former ADA Trustee Dr. Gary Yonemoto is the new Regent for Regency 7; Dr. Theresa Dolan, Vice-President and Chief Clinical Officer for Dentsply Sirona is a new Regent-at-Large and finally retiring US Navy Admiral Dr. Stephen M. Pachuta is also a new Regent-at-Large.

Finally, the ACD Foundation board met and finances are in good order. In that regard, ACD is grateful to the New England Section for their donation of an Amazon Echo and Amazon gift card to the ACD Silent Auction which benefits ACDF.

On Wednesday, October 18, a special Ethics Course was presented during the morning. In the afternoon, the Fellows Forum has a special interactive session titled “Your Turn on Ethics”, facilitated by ACD Editor Dr. David Chambers. The Regency Breakout Sessions followed and at the Regency 1 meeting, the New York Section was well-represented by Drs. Jerry Halpern, Julie Connolly and Guenter Jonke.

On Thursday morning, the Business Meeting and Orientation for new Fellows was held, followed by an excellent Keynote Presentation by Dr. Terry Paulson. Luncheon followed with fascinating entertainment provided by mentalist Craig Karges. The highlight of Thursday, of course, was the Convocation itself. The American College of Dentists was pleased to welcome the following new Fellows from the New York Section:

Dr. Suchie Chawla, New York
Dr. Pamela J. Combs, Smithtown
Dr. Kenneth B. Cooperman, Bronx
Dr. Edmund Khoo, New York
Dr. Peter Loomer, New York
Dr. Ioanna Mentzelopoulou, New York
Dr. Andrew G. Schwartz, Stony Brook
Dr. Michael Teitelbaum, Briarcliff Manor
Dr. Bobby Vijay, New York
Dr. Eric A. Wachs, Tarrytown
Dr. Aaron E. Yancoskie, New York

Welcome and well-deserved congratulations to all our new Fellows! Many thanks and much appreciation to their Sponsors for nominating and accompanying the new Fellows.

continued on page 5

Thursday evening, the Gala Dinner Dance recognizing all the new ACD Fellows was held.

Finally, on Friday morning, many of the Board of Regents members met for breakfast with leaders and attendees of the Student Professionalism and Ethics Association (SPEA), who were in Atlanta for their annual meeting as well.

This past year has given me the opportunity to do a bit of traveling on behalf of ACD. I have been to several board meetings and dinners for the NY Section, where I have always been received with great hospitality and courtesy; a weekend meeting for Western NY; two events for my home Hudson-Mohawk Section; two trips to Montreal; a recent trip to Halifax, Nova Scotia for the Dalhousie University School of Dental Medicine's White Coat Ceremony and Atlantic Provinces Board meeting; several trips to dental schools for SPEA/ethics events; Ethics courses at the Greater NY Dental Meeting and the Greater Long Island Dental Meeting, and several other venues. One of the recent highlights was a course at the Greater NY Dental Meeting which combined principles of ethics with a presentation on the peer review process. The course was presented by former ACD board member Dr. Larry Garetto, who continues to give ACD Ethics course presentations and NY Section member Dr. Gene Farone. Dr. Iovino made introductions and the well-received course was attended by several past NY Section board members.

However, one of the highlights of my ACD year continues to be my visits to Boston for the Regency 1 Leadership Conference held in conjunction with the Yankee Dental Congress. Following a Friday evening social dinner, the Leadership Conference itself is held Saturday morning, with representatives from Regency 1 Sections present, along with SPEA students, many of the New England Section board members and national ACD leaders present as well. This year, ACD President Dick Stilwell be in attendance once again (he attended previously as a member of the Board), as well as ACD President-elect and former Regent for Regency 1, NY's own Dr. Tom Connolly, Regent-at-Large Dr. Robert Faiella along with myself as meeting facilitator. We also have a wonderful opportunity to meet with new ACD Executive Director Theresa Gonzalez, as she will be presenting a course at the Yankee meeting, as she has done several times before. She will attend the social dinner Friday evening as well as the awards luncheon Saturday afternoon.

Following the meeting is the annual New England Section Awards luncheon, where outstanding students from New England dental schools are recognized, along with long-time ACD Fellows, who receive their 15-, 25- and even 50-year Fellowship pin attachments. When deemed appropriate, a Distinguished Service award is also given. Please consider attending this wonderful event.

Following the luncheon, I would urge consideration to attend another in a series of courses that have been sponsored by the New England Section for the last number of years dealing with ethical considerations. The course is entitled "Risk Management and Ethical Clinical Decision Making: It's Important". It will be in the form of a panel discussion, and one of the three panelists is New England Section board member Dr. Paul Farsai.

It has been my great privilege, pleasure and honor to have worked with the Board of the ACD New York Section this past year, especially Chair Dr. Robert Iovino, as well as with Carol Bensky. I look forward to starting my last year as Regent for ACD Regency 1. I look forward to seeing many of you in New York on January 16, 2018, for the NY Section Annual Meeting and Dinner.

Respectfully submitted,
Mark A. Bauman, DDS, FACD
ACD Regent, Regency 1
(New York, Hudson-Mohawk, Western NY, New England, Quebec, Atlantic Provinces, Canada)

REPORT OF THE TREASURER
AMERICAN COLLEGE OF DENTISTS
NEW YORK SECTION

Balance as of 12/31/16	\$45,299.09
Balance as of 2/29/17	\$50,739.75
Balance as of 7/31/17	\$42,938.17
Balance as of 12/31/17	\$46,883.37

CREDITS

Dues Rec'd 2/17	\$16,670.00
Dues Rec'd 12/17	11,170.00
Mtg Recpts 1/17	7,350.00
Mtg Recpts 4/17	2,860.00
Mtg Recpts 9/17	4,570.00
Awards	750.00
Total Credits	\$43,370.00

DEBITS

Bank Chgs 1/17	\$21.37
Bank Chgs 2/1	26.90
Bank Chgs 3/17	21.13
Bank Chgs 4/17	21.41
Bank Chgs 5/17	19.73
Bank Chgs 6/17	19.61
Bank Chgs 7/17	19.81
Bank Chgs 8/17	21.56
Bank Chgs 9/17	25.21

Bank Chgs 10/17	21.14
Annual Meeting 1/17	11,506.00
Reorganization Meeting	1,510.44
Meeting 4/17	4,068.24
Annual Meeting 1/17	11,506.00
Reorganization Meeting	1,510.44
Meeting 4/17	4,068.24
Meeting 9/17	6,108.48
Copying Annual Mtg Programs	117.56
Newsletter-pdf/copying (1-17)	186.00
Newsletter-pdf/copying (4-17)	165.00
Newsletter-pdf/copying (9-17)	122.00
Student Achievement Awards	1,500.00
Printing-Stationery	285.00
SPEA	1,242.00
ACD Matching Grant	2,500.00
ACD Silent Auction	314.57
Awards/Certificates/Pins	500.00
Management (2016-2017)	6,750.00
White Coat Ceremony	250.00
Accounting	700.00
GNYDM Ethics Course	1,500.00
Misc.	58.00
Total Debits	\$39,601.10

EDITOR'S NOTE

Welcome to a prosperous new year! 2018 promises to be a fruitful one for all. Let us reflect and give thanks to our profession for the fellowship and fulfillment it brings us.

Please send comments/thoughts about what is relevant to our profession for this upcoming year to: drjmldds@gmail.com (your comments may be posted in the next newsletter).

Cheers,
Jenny

Jenny M. Lee