

Name (*report preparer*): Brandon Hackworth

Date: 1/12/21

Name of Council/Committee/Task Force: Council on Membership, Ethics & Judicial Concerns

MEETINGS

Date: 1/8/2021

Conference Call

In-person

Location: Conference Call

Attendance:

Chair: Dr. Stephen Belli

Members: Drs. Bret Mooso, Luis Toro, Scott Arbit, Jacqueline Bunce, Matthew Ng, Theresa Skelton, Chris Murphy, Daniel Keith (NYM Advisor), Michael Sherman (BOT Liaison)

Staff: Mr. Brandon Hackworth

Not Present:

Guest(s): Mr. Rob Kent

BOT RECOMMENDATIONS

Recommendation	Responsible Party	Completion Date	Budget Implication
ACH Discount That on a permanent basis, the AAO offers a three percent reduction/discount on AAO dues and assessments for members who pay using the ACH payment method; And be it further, That AAO encourages constituents and components for which the AAO collects dues to provide the same discount for their members.	BOT	February 2021	TBD
International Study Task Force Recommendations That the AAO Board of Trustees approves the recommendations from the International Study Task Force.	BOT	February 2021	TBD
Implications of Members Serving as DTC Case Reviewers That AAO suggests AAO Insurance Company to create a position statement with recommendations to members who may consult on cases from direct-to-consumer orthodontic companies.	BOT	February 2021	None
Amendment to Principles of Ethics That, per the approval of AAO's legal counsel, the AAO add a statement to the AAO Principles of Ethics and Code of Professional Conduct stating that members	BOT	February 2021	None

should physically practice in office locations that are listed on the AAO's Find an Orthodontist locator.			
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DISCUSSION

Topic	Discussion	Action/Follow-up
Meeting	The annual meeting of the Council on Membership, Ethics & Judicial Concerns (COMEJC) was held virtually via Zoom on Friday, January 8, 2021. The meeting began at 8:00am Central Standard Time. COMEJC Chair Dr. Stephen Belli chaired the meeting.	N/A – for information
Approval of Agenda and Consent	The agenda and consent agenda were approved as presented.	N/A – for information
Board Liaison Report	<p>COMEJC Board Liaison Dr. Michael Sherman provided an overview of the AAO governance structure, including general council responsibilities. Additionally, Dr. Sherman discussed actions of the AAO Board of Trustees (BOT) from the December 2020 meeting, including:</p> <ul style="list-style-type: none"> • Passing a motion to establish financial guidelines on transferring patients (originally recommended by COMEJC) • Establishing an Orthodontic Support Organization (OSO)/Dental Support Organization (DSO) Task Force • Passing a motion to create member Facebook groups • Reviewing AAO leaders who pay less than full AAO member dues (referred to COMEJC) • Passing a motion to move Orthodontic Staff Appreciation Week to a single day (first Wednesday in June) rather than a full week 	N/A – for information
Update on Member Renewals and Drops	<p>COMEJC Staff Liaison Brandon Hackworth reported on membership renewals through December, which marked the end of the AAO renewal cycle. Renewals finished strong helping achieve goals established for Canadian Active members and new and younger Active members. Active members overall finished slightly behind goal but matched 2019 year-end renewals. International Members were the biggest concern, which finished 4.6% behind goal.</p> <p>Mr. Hackworth also reported on membership drops, which were completed on January 6th for members who had not renewed by that date. Noteworthy figures include:</p> <ul style="list-style-type: none"> • 18% of International Members were dropped, including 43.8% of those within five years of graduation. • 49.9% of International Students were dropped. 	N/A – for information

	<ul style="list-style-type: none"> • 2.6% of PCSO (Pacific Coast Society of Orthodontists) members were dropped, which was the lowest percentage of any constituent. • 5.0% of SAO (Southern Association of Orthodontists) members were dropped, which was the highest percentage of any constituent. • 10.2% of Active members within five years of graduation were dropped. • More female members were dropped than males. 	
U.S. Market Share Report	Mr. Hackworth gave a report on the AAO's market share of U.S. orthodontists, which is 86.0% as of May 2020. This number will be recalculated at the end of May each year. AAO staff will also be conducting research in early 2021 to identify retired orthodontists who should be removed from the market share calculation.	N/A – for information
Member Reinstatements Review	<p>COMEJC reviewed reinstatement data from the current and previous fiscal years, as well as the reinstatement policy that was amended in 2020.</p> <p>In light of the pandemic, Council discussed the possibility of offering a one-time exemption to the reinstatement policy for one year to help more lapsed members rejoin without penalty. Council did not move forward with a recommendation.</p>	N/A – for information
Dues Waiver Policy Review	<p>COMEJC reviewed dues waivers granted to members during the current and previous fiscal years, as well as the dues waiver policy that was amended in 2020.</p> <p>In light of the pandemic, Council discussed the possibility of adopting a new waiver condition for job loss to help members maintain their memberships while they are searching for employment. Council did not move forward with a recommendation.</p>	N/A – for information
Dues Proration for New Members	<p>COMEJC discussed whether to prorate dues for new members who join the AAO based on the time of the year they join. Council did not move forward with a recommendation.</p> <p>COMEJC also discussed whether to extend the memberships of those who join/rejoin after the Annual Session occurs but before the start of the next fiscal year, through May 31st of the following fiscal year. Council did not move forward with a recommendation but asked staff to track the number of inquiries received after the 2022 Annual Session occurs, but before the start of the 2022-23 fiscal year, to help COMEJC decide whether amending policy would be beneficial in the future.</p>	Staff to track join/rejoin inquiries following the 2022 Annual Session and before the start of the 2022-23 fiscal year.
Dues for AAO Leadership	In December 2020, the BOT requested for COMEJC to consider whether AAO leaders who pay less than full dues	COMEJC to submit resolution to HOD

	<p>should be eligible to serve in their leadership positions. This may include dues reductions based on their membership categories or dues waivers for which they may apply. Council believes reduced dues based on membership category should not impact eligibility to serve within leadership. However, Council also believes recipients of the senior limited practice waiver, which carries a 50% dues reduction, should not be eligible to serve in elected positions.</p> <p>COMEJC motion: That AAO Bylaws be amended to state that senior limited practice waiver recipients are not eligible to serve in elected positions within AAO leadership.</p> <p>Motion passed.</p> <p>Council briefly discussed the possibility of creating a dues structure for AAO volunteer leaders, whereby dues may be reduced in exchange for their service. This topic will be considered during a later meeting.</p>	
Retired Member Policy	<p>COMEJC discussed retired member eligibility, per AAO Bylaws, which was amended in 2020 to require members to be members in good standing at the time of retirement in order to transition to retired status. The intent of the discussion was to determine whether Life Active members should be exempt from this policy, thereby allowing them to rejoin as retired regardless of whether they were members at the time of retirement. Council believes all members should be treated equally in this regard and should have to reinstate (pay dues) as the same member type as they were when they lapsed before transitioning to retired status.</p> <p>COMEJC motion: that COMEJC not pursue changes to the current AAO retirement policy.</p> <p>Motion passed.</p>	N/A – for information
Non-Orthodontist Faculty Category	<p>COMEJC submitted a resolution in 2020 to adopt a new member category for non-orthodontist faculty. However, the resolution was not voted on by the HOD because of a condensed agenda and virtual nature of the HOD meeting.</p> <p>COMEJC motion: that COMEJC resubmit the non-orthodontist faculty resolutions as written for the 2021 HOD.</p> <p>Motion passed.</p> <p>COMEJC further discussed that the background of the original resolution should be amended to clarify the difference between honorary members and the new non-orthodontist faculty category.</p>	COMEJC to resubmit HOD resolution

<p>Membership Renewal Cycle</p>	<p>COMEJC submitted a resolution in 2020 to change the membership renewal deadline from December 31st to October 31st. However, this resolution was withdrawn by the council in response to the pandemic prior to the HOD vote.</p> <p>COMEJC motion: that COMEJC resubmit the membership renewal deadline resolution as written for the 2021 HOD.</p> <p>Motion passed.</p> <p>In addition to the above resolution, COMEJC discussed a suggestion by PCSO to extend the membership drop date two weeks beyond the renewal deadline so volunteer leaders can conduct grassroots outreach after the deadline has occurred. Council did not move forward with a recommendation.</p>	<p>COMEJC to resubmit HOD resolution</p>
<p>ACH Discount</p>	<p>The AAO offered a three percent discount on 2020-21 AAO dues and assessments for members who paid by ACH (automated clearing house/electronic bank account transfer). COMEJC discussed whether this should be offered beyond the current year.</p> <p>Motion to BOT: That on a permanent basis, the AAO offer a three percent reduction/discount on AAO dues and assessments for members who pay using the ACH payment method;</p> <p>And be it further,</p> <p>That AAO encourages constituents and components for which the AAO collects dues to provide the same discount for their members.</p> <p>Motion passed.</p>	<p>COMEJC to submit BOT motion</p>
<p>International Task Force Report</p>	<p>Dr. Matthew Ng, member of COMEJC and the International Study Task Force, reported on work completed by the International Study Task Force over the past year, which included a consulting engagement in fall 2020 and concluded with several recommendations for the AAO to consider. During a conference call in December 2020, the International Study Task Force voted in favor the following recommendations and to submit those recommendations to COMEJC for consideration:</p> <p><u>Tiered dues for developing countries</u> The task force recommended implementation of a tiered dues structure for International Members to accommodate current and prospective members from countries where economic conditions may be a barrier to membership. These countries are based on income classifications from the World Bank and would be separated into three tiers: low/lower middle income (20% of full dues); upper middle</p>	<p>COMEJC to submit BOT motion</p>

	<p>income (35% of full dues); and high income (50% of full dues).</p> <p><u>Discounted dues for new International Members</u> The task force recommended implementation of a graduated dues scale for new International Members to mirror the structure available to new Active members (10% > 25% > 50% > 75% > 100%). The intent is to gradually increase dues to make entry more affordable, including for those transitioning from student to full international status. The task force also recommends making this structure available to all new International Members rather than only recent graduates.</p> <p><u>Bulk membership dues for international orthodontic societies</u> The task force recommended the AAO to negotiate group dues rates for societies that sign up 100% of their members to be AAO members. Additionally, the task force recommended starting negotiations with the Israeli Orthodontic Society, which purchased bulk registrations for the 2020 virtual Annual Session.</p> <p><u>WFO partnership to explore membership opportunities and barriers</u> The task force recommended the AAO to request assistance from the WFO, through the North American representatives from the WFO Executive Committee, for the purpose of identifying WFO members who may be most likely to join the AAO. This may include conducting a survey among national orthodontic societies to identify membership opportunities and barriers.</p> <p>Motion to BOT: That the AAO Board of Trustees approves the recommendations from the International Study Task Force.</p> <p>Motion passed.</p>	
<p>International Faculty Dues</p>	<p>Following a situation in 2020 in which an International Member at a CODA (Commission on Dental Accreditation) accredited orthodontic program in Saudi Arabia requested a faculty dues discount, COMEJC discussed how to handle dues of members in this situation, as they are potentially eligible for either international membership or foreign-trained academic membership.</p> <p>A motion was presented to allow full-time faculty at international CODA-accredited programs to be eligible for academic faculty dues, but they can only fall under one member category. After further discussion, the motion was withdrawn without a vote.</p> <p>Council advises that members in the above situation should choose one AAO membership category from those which</p>	<p>N/A – for information</p>

	<p>they are eligible in accordance with AAO Bylaws. Moreover, they should pay dues as their chosen member category in accordance with AAO financial policies.</p>	
Canadian Member Research	<p>COMEJC discussed an outstanding resolution referred from the HOD in 2019, which in part directed COMEJC to assess Canadian AAO members' perspective on active versus international membership. A survey among Canadian members was conducted in fall 2020 to explore this issue.</p> <p>Dr. Sherman explained that the AAO enjoys a higher market share among Canadian orthodontists than does the Canadian Association of Orthodontists (CAO). The AAO has approximately 420 Canadian Active members compared to 300 within the CAO. Further, because of the fact that there are more organizations to which Canadians can belong, they are trying to determine which are most valuable and relevant to them.</p> <p>A question was raised whether the AAO should consider revising the dues percentage paid by Canadian members, as it has not changed in many years despite changes with AAO programs and services to Canadians, as well as the currency exchange rate. No recommendation was made.</p> <p>Consensus among the council is that the AAO should continue improving the value provided to Canadians. However, it does not recommend making any changes to their membership status (i.e., making them International Members). This will be reflected in a report to the 2021 HOD.</p>	COMEJC to submit a report to the HOD
Lunch Break	The council broke for lunch at 1:45pm reconvened at 2:30pm.	N/A
Four Areas of Focus	<p>COMEJC discussed the "four areas of focus" that were previously identified by the BOT as high priorities for the AAO to support its members this year.</p> <p><u>Clear Aligners</u></p> <p>Council agreed that clear aligners are not as big of an issue as they were a few years ago, as by now orthodontists have decided whether to adopt them or not within their practices. However, there are concerns that general dentists are practicing clear aligner treatment, including some individuals practicing dentistry without a license.</p> <p>Additionally, the point was raised that some AAO members serve as case reviewers for direct-to-consumer orthodontic companies. As such, the council questioned the ethical and/or legal implications for these doctors who approve these cases, which are often based on limited records and without seeing the patients in person.</p>	COMEJC to submit BOT motion regarding request for AAOIC.

	<p>Motion to BOT: That AAO suggests AAO Insurance Company to create a position statement with recommendations to members who may consult on cases from direct-to-consumer orthodontic companies.</p> <p>Motion passed.</p> <p>Based on the statement created, COMEJC suggests for the AAO to create a resource for members similar to the existing consumer resource with “questions to ask when considering direct-to-consumer orthodontic treatment”.</p> <p><u>Financial Management</u></p> <p>The council discussed how to get the AAO’s Financial Management for Residents content into more programs. No formal recommendation was made, although there was a suggestion to leverage an influential orthodontic program chair/director, such as Dr. Brent Larson, to encourage greater participation by programs.</p> <p><u>All Things Digital</u></p> <p>COMEJC also discussed whether the AAO needs to advise members on the ethical implications of virtual consults and teledentistry. However, the existing teledentistry parameters were deemed sufficient.</p> <p>It was stated that there is a double standard between “big business and small business”, meaning AAO members and their practices are held to one standard by not being allowed to practice teledentistry in some states. However, direct-to-consumer companies can advertise in those same states and even if their doctors are not licensed to practice in those states.</p>	
<p>Orthodontic Residency Presentations</p>	<p>Brandon Hackworth reported on the results of AAO presentations delivered at orthodontic residency programs. For the 2020-21 academic year and through December 2020, the AAO has hosted or scheduled 30 Resident Vitals presentations (compared to 47 in 2019-20) and 16 Financial Management for Residents presentations (compared to 30 in 2019-20). This number is expected to grow throughout the spring semester and staff is working on scheduling a Resident Vitals presentation for the spring that any programs and residents can attend.</p> <p>Staff will also continue sharing the list of programs that participate in these programs with COMEJC. Council members were encouraged to review the programs in their constituent regions and discuss at their ad interim meetings to identify opportunities for the AAO to present at the programs that have not participated.</p>	<p>Staff to share list of programs that have and have not hosted AAO presentations.</p> <p>COMEJC to review the list and discuss at ad interim meetings.</p>

<p>OSO/DSO Education in AAO Presentations</p>	<p>COMEJC discussed a directive from the BOT to identify opportunities to incorporate education on dental support organizations (DSOs) and orthodontic support organizations (OSOs) into AAO presentation materials. After a discussion on the purpose of each presentation – Resident Vitals and Financial Management for Residents – COMEJC agreed that incorporating DSO/OSO content into the financial presentation was most appropriate.</p> <p>Brandon Hackworth provided a proposed outline of the revised financial presentation with this information included:</p> <p><u>Part 1: Financial management for individuals</u></p> <ul style="list-style-type: none"> • Personal money management (e.g., career options, income, personal and family expenses, saving and budgeting strategies, debt management) – the career options piece would include DSO/OSO content • Personal insurance needs (e.g., medical, disability, life, automobile, homeowner, excess liability, professional liability) • Retirement planning (e.g., social security, private savings and assets, retirement savings and pensions) • Personal tax strategies • Estate planning <p><u>Part 2: Financial management for orthodontic practices</u></p> <ul style="list-style-type: none"> • Financial decisions for practice ownership (e.g., practice financing, expenses, value, legal entities, advisors, start-up vs. purchase, becoming a DSO/OSO, selling to a DSO/OSO, etc.) • Business finance basics (e.g., overview of financial terms and statements) • Financial analysis and control (e.g., financial planning and reporting, measuring performance, success factors) • Business tax strategies • Financial risk management (e.g., office risks and liabilities, insurances, employee benefits, etc.) <p>COMEJC agreed with the outline in general but will review more thoroughly and provide feedback following the meeting. COMEJC will report to the BOT for its February meeting.</p>	<p>COMEJC to submit report to BOT</p>
<p>Member Loyalty Program</p>	<p>Following expressed interest by COMEJC in exploring a member loyalty program during its 2020 meeting, staff researched capabilities, including vendors and possible implementation through the AAO’s association management system (AMS). Brandon Hackworth reported that there is functionality through the new AMS to support this type of</p>	<p>N/A – for information</p>

	<p>program, although more exploration would be needed once the AMS launches in March 2020. However, COMEJC no longer believes a program of this nature is warranted and requested staff not to move forward with additional research.</p>	
<p>“Find an Orthodontist” Locator Policy</p>	<p>COMEJC discussed a recent member complaint regarding a competing orthodontist in their area who has a listing on the AAO’s Find an Orthodontist Locator but does not practice physically out of that location and only via teledentistry. The purpose of this discussion was to determine whether the AAO should allow such members to appear on the locator.</p> <p>Council agreed this is a concern and should be stated as an ethical violation via the AAO’s Principles of Ethics and Code of Professional Conduct. The council also requested the opinion of the AAO Legal Department before any amendments are made out of concern that it could make the AAO liable in states where practicing teledentistry is legal.</p> <p>Motion to BOT: That, per the approval of AAO’s legal counsel, the AAO add a statement to the AAO Principles of Ethics and Code of Professional Conduct stating that members should physically practice in office locations that are listed on the AAO’s Find an Orthodontist locator.</p> <p>Motion passed.</p>	<p>COMEJC to submit motion to BOT</p>
<p>Supplier Membership Category</p>	<p>COMEJC discussed whether the AAO should consider implementing a supplier membership category as a means to enhance engagement with orthodontic suppliers and increase revenue opportunities. Council believes this topic warrants further discussion but would like to invite Libby Dischert, AAO Director of Meetings, to a future conference call to discuss.</p>	<p>For future consideration</p>
<p>Ethics Review</p>	<p>Mr. Rob Kent, AAO Vice President of Advocacy and General Counsel, joined the meeting for discussions regarding the council’s ethics review process and Principles of Ethics. No recommendations were made.</p>	<p>N/A – for information</p>
<p>2021-22 Council Budget</p>	<p>COMEJC motion: That the 2021-22 COMEJC budget be approved as proposed.</p> <p>Motion passed.</p>	<p>Staff to submit budget as approved.</p>
<p>Council Chair Election</p>	<p>Drs. Stephen Belli and Chris Murphy were nominated for council chair for the 2021-22 council year. COMEJC members were asked to send their votes via email to Dr. Sherman.</p>	<p>Dr. Sherman to report on outcomes of the vote to the February BOT.</p>
<p>2022 COMEJC Meeting</p>	<p>COMEJC will hold its annual meeting on Saturday, January 8, 2022 at AAO headquarters in St. Louis.</p>	<p>N/A – for information</p>

New Business	<p>Dr. Sherman noted that members may not be able to see how many views their listing on the Find an Orthodontist Locator has received. This information was previously available through the member profile page of the AAO member website. Staff was asked to investigate and report back.</p> <p>[UPDATE: Staff confirmed that this issue was previously reported and has since been resolved.]</p>	Staff to investigate and report back.
Adjournment	Having no other business, the meeting adjourned at 4:15pm.	N/A – for information

Annual Budget <i>(Feb.)</i>	
The 2021-22 COMEJC budget as proposed:	
Council Meetings	\$15,600
Chairman Expense	<u>300</u>
	\$15,900

Nomination of Council Chair <i>(Annually, Nov. or Feb)</i>	Name	Constituent
February	Dr. Stephen Belli	GLAO
	Dr. Chris Murphy	NESO

Future Reference or Archive

The council would like to retain these items for future reference or for archive:
N/A