

MINUTES

NATIONAL COMMISSION ON RECOGNITION OF DENTAL SPECIALTIES AND CERTIFYING BOARDS ADA HEADQUARTERS BUILDING, CHICAGO

MARCH 2-3, 2020

Call to Order: Dr. James Boyle, chair, called a regular meeting of the National Commission on Recognition of Dental Specialties and Certifying Boards to order on Monday, March 2, 2020 at 8:29 am in the Executive Board Room of the ADA Headquarters Building, Chicago.

Roll Call: Dr. Wayne Aldredge, Dr. Don Altman, Dr. Joseph Battaglia, Dr. James Benz, Dr. James Boyle (chair), Dr. Renee Broughten, Dr. Anthony Carroccia, Dr. Ralph Cooley, Dr. Alan Friedel (vice-chair), Dr. Steven Ganzberg, Dr. Anita Gohel, Dr. Denise Hering, Dr. William Johnson, Dr. Roger Kiesling, Dr. Andrew Kwasny, Dr. Brian McAllister, Dr. Edward Moody, Dr. Susan Muller, Dr. Charles Norman, Dr. Frank Tuminelli, and Dr. Mara Catey-Williams were present.

Trustee Liaison: Dr. Richard Rosato, First District Trustee, American Dental Association (ADA).

Commission Staff: Ms. Cathy Baumann, director; Mr. Nicholas Salerno, manager.

ADA Staff (for all or portions of the meeting): Ms. Cathryn Albrecht, senior associate general counsel, Dr. Kathleen O'Loughlin, executive director, American Dental Association, Ms. Wendy Wils, deputy general counsel, and Dr. Anthony Ziebert, senior vice-president, Education and Professional Affairs.

Preliminary Business

Adoption of Agenda: The National Commission on Recognition of Dental Specialties and Certifying Boards adopted the agenda and authorized the chair to alter the order of agenda items as necessary to expedite business.

Disclosure of Relationships: Dr. Boyle directed the Commission's attention to the ADA Conflict of Interest Policy and reminded commissioners of their obligation to make disclosures as appropriate. Commission members disclosed the following affiliations during the course of the meeting:

- Dr. Wayne Aldredge- Past president American Academy of Periodontology
- Dr. Donald Altman- Past president American Board of Dental Public Health, examiner American Board of Dental Public Health
- Dr. Joseph Battaglia- Chair, Academy of General Dentistry Council on Dental Practice
- Dr. James Boyle- Immediate past president Pennsylvania Dental Association, American Dental Association House of Delegates member, Coding and Reimbursement Health Policy Committee with American Association of Oral and Maxillofacial Surgeons
- Dr. Anthony Carroccia- Trustee, American Board of General Dentistry
- Dr. Ralph Cooley- Member, Academy of General Dentistry Council on Dental Practice
- Dr. Steven Ganzberg- Past member American Academy of Orofacial Pain and board certified dental anesthesiologist by American Dental Board of Anesthesiology
- Dr. Anita Gohel- Past president American Board of Oral and Maxillofacial Radiology
- Dr. William Johnson- Past president American Association of Endodontists, Past president American Board of Endodontics, examiner American Board of Endodontics
- Dr. Edward Moody- Past president American Academy of Pediatric Dentistry, member Tennessee State Board of Dentistry

- Dr. Susan Muller- Past president American Academy of Oral and Maxillofacial Pathology, past president American Board of Oral and Maxillofacial Pathology, past president North American Head and Neck Pathology, member test construction committee American Board of Oral and Maxillofacial Pathology
- Dr. Frank Tuminelli-Past president American College of Prosthodontists, board examiner American Board of Prosthodontics

Fiduciary Responsibility and Reminder of Professional Conduct Policy and Prohibition Against

Harassment: Ms. Cathryn Albrecht, ADA Senior Associate General Counsel, reminded the Commissioners of their fiduciary responsibilities to the National Commission. The Commissioners were also reminded of the Professional Conduct Policy and Prohibition Against Harassment.

Mail Ballots Since Last Commission Meeting: The Commission received a report about and approved the recording of four (4) mail ballots related to commission business, which had been considered since the March 2019 meeting.

Commission Business

Report of the Review Committee on Specialty Recognition: Below are the actions taken by the National Commission on Recognition of Dental Specialties and Certifying Boards related to the Report of the Review Committee on Specialty Recognition:

Consideration of Request by American Academy of Orofacial Pain to Recognize Orofacial Pain

as a Dental Specialty: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the request and application submitted by the American Academy of Orofacial Pain (AAOP) to recognize orofacial pain as a dental specialty. Based on a previously cited disclosure, Dr. Steven Ganzberg participated in the discussion; however, he was recused from voting.

The Board of Commissioners was provided with an overview of the Review Committee's review process of the application and the rationale behind the committee's recommendation that orofacial pain not be recognized as a dental specialty.

Consideration of Applicant Response to the Requirements for Recognition of Dental Specialties

Requirement 1: Through discussion, the Board of Commissioners determined that the application met Requirement 1(a) and Requirement 1(c); however, Requirement 1(b) had not been met. The commission noted that Requirement 1(b) states that the privileges to hold office and to vote on any issue related to the specialty are reserved for dentists who have either completed an advanced education program accredited by the Commission on Dental Accreditation in the proposed specialty or have sufficient experiences in that specialty as deemed appropriate by the sponsoring organization and certifying board. The commission further noted that in CHAPTER 1. MEMBERSHIP, SECTION 2. ACTIVE MEMBERS, the AAOP *Bylaws* allows non-dentists to be Active Members, hold office and vote, which does not meet Requirement 1(b).

Consideration of Applicant Response to the Requirements for Recognition of Dental Specialties

Requirement 2: Through discussion, the Board of Commissioners determined that graduates of Orofacial Pain programs have advanced knowledge and skills beyond those commonly possessed by dental school graduates and therefore met the requirement.

Consideration of Applicant Response to the Requirements for Recognition of Dental Specialties

Requirement 3: Through discussion, the Board of Commissioners determined that while there is some overlap between all the recognized dental specialties none of the specialties could be minimally modified to fully accommodate the field of orofacial pain and therefore met the requirement.

Consideration of Applicant Response to the Requirements for Recognition of Dental Specialties

Requirement 4: The Board of Commissioners noted concerns related to the lack of documented current active research in the application. The Board of Commissioners further noted that while there was a lack of current research in the application, the commission is aware that AAOP actively contributes to the research needs of the field of Orofacial Pain, which has led to the development of evidence-based diagnostic and management strategies for patients and therefore met the requirement.

Consideration of Applicant Response to the Requirements for Recognition of Dental Specialties

Requirement 5: Through discussion, the Board of Commissioners determined the application demonstrated that demand for orofacial pain services continue to increase and concurred that if Orofacial Pain was recognized as a specialty, it would have a significant impact on serving the needs of the public and therefore met the requirement.

Consideration of Applicant Response to the Requirements for Recognition of Dental Specialties

Requirement 6: The Board of Commissioners noted there are currently twelve (12) advanced education programs in Orofacial Pain accredited by the Commission on Dental Accreditation (CODA) that are at least two (2) years in length and determined the requirement had been met.

The National Commission voted via ballot and the application did not achieve the necessary 2/3rds vote for recognition as a dental specialty.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards denies the American Academy of Orofacial Pains request to recognize orofacial pain as a dental specialty.

Consideration of Request by American Academy of Oral Medicine to Recognize Oral Medicine as a Dental Specialty:

The National Commission on Recognition of Dental Specialties and Certifying Boards considered the request and application submitted by the American Academy of Oral Medicine (AAOM) to recognize oral medicine as a dental specialty. The Board of Commissioners was provided with an overview of the Review Committee's review process of the application and the rationale behind the committee's recommendation that oral medicine be recognized as a dental specialty.

Consideration of Applicant Response to the Requirements for Recognition of Dental Specialties

Requirement 1: Through discussion, the Board of Commissioners determined the documentation provided related to historical data, mission, officers, membership, creation of a certifying board and parameters of care and therefore met the requirement.

Consideration of Applicant Response to the Requirements for Recognition of Dental Specialties

Requirement 2: Through discussion, the Board of Commissioners determined that graduates of Oral Medicine programs have advanced knowledge and skills beyond those commonly possessed by dental school graduates and therefore met the requirement.

Consideration of Applicant Response to the Requirements for Recognition of Dental Specialties

Requirement 3: Through discussion, the Board of Commissioners determined that the proposed dental specialty is separate and distinct from the recognized dental specialties and therefore met the requirement.

Consideration of Applicant Response to the Requirements for Recognition of Dental Specialties

Requirement 4: Through discussion, the Board of Commissioners determined the statistical evidence presented related to the need for services in treating patients of all ages who are medically compromised and therefore met the requirement.

Consideration of Applicant Response to the Requirements for Recognition of Dental Specialties

Requirement 5: Through discussion, the Board of Commissioners determined the demand for oral medicine related services offered to patients including access to care will increase as the population ages and therefore met the requirement.

Consideration of Applicant Response to the Requirements for Recognition of Dental Specialties

Requirement 6: Through discussion, the Board of Commissioners noted the documentation submitted related to the number of accredited programs, mandatory length of the program, description of the certificate/degree awarded upon completion and submission of letter of support from the Chief Executive Officers of the Commission on Dental Accreditation accredited oral medicine programs and therefore met the requirement.

The National Commission voted via ballot and the application achieved the necessary 2/3rds majority to recognize oral medicine as a dental specialty.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards grants the American Academy of Oral Medicine request to recognize oral medicine as a dental specialty effective immediately.

Report of the Review Committee on Specialty Certifying Board Recognition: Below are the actions taken by the National Commission on Recognition of Dental Specialties and Certifying Boards related to the Report of the Review Committee on Specialty Certifying Board Recognition:

Consideration of Sending Communication to the Council on Dental Education and Licensure (CDEL) Requesting Revision to the Requirements for Recognition of National Certifying Boards for Dental Specialists:

The National Commission on Recognition of Dental Specialties and Certifying Boards considered the report of the Review Committee on Specialty Certifying Board Recognition related to sending communication to CDEL proposing a revision to the *Requirements for Recognition of National Certifying Boards for Dental Specialists*- Requirement 5- Operation of Boards. The Board of Commissioners concurred with the Review Committees concerns in the wording of Requirement 5- Operation of the Board, which requires the certifying board “encourage” diplomates to engage in lifelong learning and continuous quality improvement instead of “requiring” it as part of the recertification/certification process.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards directs staff to send correspondence to the Council on Dental Education and Licensure requesting the Council consider a revision to Requirement #5- Operation of the Board of the *Requirements for Recognition of National Certifying Boards for Dental Specialists* requiring diplomates to engage in lifelong learning as part of the recertification/certification process.

Consideration of Revised 2021 Annual Survey of the Recognized Dental Specialty Certifying Boards:

The National Commission on Recognition of Dental Specialties and Certifying Boards considered the draft 2021 Annual Survey of the Recognized Dental Specialty Certifying Boards.

The Board of Commissioners noted that in the electronic 2021 Annual Survey of the Recognized Dental Specialty Certifying Boards, Application and Registration Procedures section, the committee added a question related to recertification fees and language related to validity and reliability evidence provided by a psychometrician/statistician who has verified the evidence.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the 2021 Annual Survey of the Recognized Dental Specialty Certifying Boards, with immediate implementation.

Consideration of Request by the American Dental Board of Anesthesiology to be Recognized as the National Certifying Board for Dental Anesthesiology:

The National Commission on Recognition of Dental Specialties and Certifying Boards considered the request and application submitted by the American Dental Board of Anesthesiology (ADBA) to be recognized as the national certifying board for dental anesthesiology. Based on a previously cited disclosure, Dr. Steven Ganzberg participated in the discussion; however, he was recused from voting.

The Board of Commissioners were provided with an overview of the Review Committees review process of the application and the rationale behind the committee's recommendation that ADBA be recognized as the national certifying board for dental anesthesiology. The National Commission voted via paper ballot and the application achieved the necessary 2/3rds majority to recognize the ADBA as the national certifying board for dental anesthesiology.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards grants the American Dental Board of Anesthesiology request to be recognized as the national certifying board for dental anesthesiology, effective immediately.

Consideration of Proposed Revisions to the Application for Recognition of a Dental Specialty Certifying Board: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the draft application for Recognition of a Dental Specialty Certifying Board.

The Board of Commissioners noted that the modifications were to ensure that National Commission policy is clear and that because several of the *Requirements for Recognition* request the submission of the same evidence; revision to the application was warranted that would direct applicants to submit the repetitious evidence only once in an Appendix.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the proposed Application for Recognition of a Dental Specialty Certifying Board, with immediate implementation.

Consideration of 2020 National Commission on Recognition of Dental Specialties and Certifying Boards Annual Report of the Recognized Dental Specialty Certifying Boards: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the 2020 Annual Report of the Recognized Dental Specialty Certifying Boards.

The Board of Commissioners noted that that six (6) of the nine (9) recognized specialty certifying boards submitted their report by the February 1, 2020 deadline and that after follow-up with the executive directors, the remaining three (3) reports were submitted. The Board of Commissioners noted that one (1) report was submitted twelve (12) days after the deadline. The commission further noted that the statistical data in the 2020 Annual Report, in comparison to previous reports, remained relatively consistent.

The National Commission discussed concerns related to lack of submission of the required documentation related to compliance with the *Requirements for Recognition*. The National Commission discussed that there was a significant amount of missing documentation throughout the reports, in particular, many of the certifying boards appeared to have difficulty meeting Requirement 4-Operation of Boards related to: Test Development and Revision, Test Administration, Scoring and Reporting, policies on Fairness in Testing and Test Use, and Rights and Responsibilities of Test Takers.

As many commissioners expressed disappointment in the amount of missing documentation and the difficulty of some certifying board's to meet the submission deadline, nonetheless, changes in reporting expectations and deadline adherence expectations should be made for the 2021 report and not apply to the 2020 report.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the statistical report of the *2020 Annual Report of the Recognized Dental Specialty Certifying Boards*, with immediate implementation.

The National Commission discussed steps it could take to assist the recognized certifying boards in achieving compliance with the *Requirements for Recognition*. The Board of Commissioners discussed presenting a formal webinar/workshop/calibration training program at the recognized certifying boards annual meeting in August 2020 to provide guidance on how to better comply with the *Requirements for Recognition* and required documentation for the Annual Report.

The Board of Commissioners noted that later in the meeting agenda, the National Commission would be discussing the implementation of recognition statuses for the sponsoring organizations and certifying boards based on continued compliance with the *Requirements for Recognition* that could take effect starting in 2021.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards directs staff to send each of the recognized certifying boards a copy of the 2020 Annual Report with an individualized summary of missing documentation with the request that the documentation be submitted by May 30, 2020.

The National Commission on Recognition of Dental Specialties and Certifying Boards further directs staff to communicate any revised policy changes adopted by the National Commission that may impact the recognition status of the certifying boards and the *Annual Report of the Recognized Dental Specialty Certifying Boards* starting in 2021.

The National Commission on Recognition of Dental Specialties and Certifying Boards further directs staff to develop a workshop/training session for the August 2020 meeting of the Certifying Boards with the purpose of improving the quality of their report submissions.

Future Meeting Dates: The National Commission on Recognition of Dental Specialties and Certifying Boards reviewed the meeting dates of the 2021, 2022 and 2023 meetings.

Commission Action: This report is informational in nature and no action was taken.

Report of the Standing Committee on Strategic Planning and Policy Review: Below are the actions taken by the National Commission on Recognition of Dental Specialties and Certifying Boards related to the Report of the Standing Committee on Strategic Planning and Policy Review:

Consideration of Proposed Revisions to the National Commission on Recognition of Dental Specialties and Certifying Boards Policy and Procedure Manual: The National Commission on Recognition of Dental Specialties and Certifying Boards considered proposed revisions to the *National Commission Policy and Procedure Manual* and proposed new policies.

The Board of Commissioners noted that as the National Commission has been conducting business, there are revisions to existing policies and procedures required to provide further clarity, consistency and transparency for both the communities of interest and the National Commission itself.

The National Commission considered the following revised policies and procedures:

- Policy on Development of Administrative and Operational Policies
- National Commission and Commission Meetings-Composition and Criteria
- Policy on Nomination of Public Members
- Review Committees and Review Committee Meetings of the National Commission
- Confidentiality Policy
- Conflict of Interest Policy
- Policy on Simultaneous Service
- Payment of Annual Fees by Recognized Specialty Sponsoring Organizations
- Policy on Periodic Review of Dental Specialty Education and Practice
- Policy on the Annual Report of the Certifying Boards
- Policy on Failure to Comply with Request for Information and Missed Deadlines
- Application Process for Recognition of a Dental Specialty
- Application Process for Recognition of a Dental Specialty Certifying Board
- Policy on Third Party Comments

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the revised proposed Policy and Procedure Manual, with immediate implementation.

The National Commission adopted the following new policies and procedures:

Policy on Removal of Commission, Review Committee and Appeal Board Members: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the proposed policy on the Removal of Commission, Review Committee and Appeal Board Members. The commission noted that pursuant to the revised *Rules* of the National Commission, the National Commission has the ability to remove a Commissioner, Review Committee and/or Appeal Board member; however, there is currently no process that outlines the process for the removal of Commission, Review Committee and Appeal Board members. The commission further noted the proposed policy is in alignment with Article VI: Removal for Cause in the *Rules* and properly outlines the required steps.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the new policy on the Removal of Commission, Review Committee and Appeal Board Members, with immediate implementation.

Policy on Appointment of Commission and Appeal Board Members if Appointing Organization Fails to Appoint Due to Vacancy: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the proposed policy on Appointment of Commission and Appeal Board Members if the Appointing Organization Fails to Appoint Due to Vacancy. The Board of Commissioners noted that pursuant to the revised *Rules* of the National Commission, the American Dental Association (ADA) and the recognized dental specialty sponsoring organizations are required to appoint Commissioners and Appeal Board members to the National Commission. In the event of a vacancy, if the respective organization fails to appoint a replacement for any unexpired terms, it will be the responsibility of the National Commission to select an appropriate representative to complete the unexpired term.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the new policy on the Appointment of Commission and Appeal Board Members if Appointing Organization Fails to Appoint Due to Vacancy, with immediate implementation.

Policy and Procedure Related to Compliance with the Health Insurance Portability and Accountability Act: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the proposed policy related to Compliance with the Health Insurance Portability and Accountability Act. The commission noted that during the public comment period on the applications for recognition, the National Commission received numerous comments that contained Patient Protected Health Information (PHI) and Personally Identifiable Information (PII). The Board of Commissioners further noted that the commission does not have a policy related to proper handling of PHI and PII, this puts the National Commission at significant legal risk if such information were to be made public through an electronic breach or other public disclosure and aligns with federal law.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the new policy and procedure related to Compliance with the Health Insurance Portability and Accountability Act, with immediate implementation.

Policy on Integrity: The National Commission on Recognition of Dental Specialties and Certifying Boards considered a proposed policy related to integrity. The commission noted the need to develop a policy related to integrity to ensure that all organizations doing business with the National Commission demonstrate honesty and integrity.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the new policy on Integrity, with immediate implementation.

Policy and Procedure Related to a Recognized Specialty's Request for Change in Name, Definition and/or Scope of Practice: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the proposed policy and procedure related to a request submitted to the National Commission by any recognized organization to change its name, definition and or scope of practice.

The Board of Commissioners noted that currently the National Commission does not have policy related to these types of requests; therefore the adoption of policy will provide the National Commission with a framework to be able to respond and investigate these types of requests. The Board of Commissioners noted concerns related to the fact that there were no fees listed in the policy because requests such as the change in definition and/or scope of practice could be time consuming and place demands on the National Commissions resources. The Board of Commissioners referred the matter of determining fees to the Finance Committee with a follow up report at a future date.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the new policy and procedure on a Recognized Specialty's Request for Change in Name, Definition and/or Scope of Practice, with immediate implementation.

The National Commission on Recognition of Dental Specialties and Certifying Boards further directs the Finance Committee develop a fee scale associated with requests for change in definition and change in scope of practice with a follow up report to the Board of Commissioners at a future date.

Policy on Complaints: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the proposed policy and procedure related to complaints from communities of interest regarding whether a recognized specialty sponsoring organization or recognized certifying board continues to be in compliance with the *Requirements for Recognition*.

Standing Committee Recommendation: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the new policy and procedure on Complaints, with immediate implementation.

Consideration of Revised National Commission on Recognition of Dental Specialties and Certifying Boards Mission, Vision, and Value Statements: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the proposed revisions to the mission, vision and values statements.

The Board of Commissioners noted that the mission, vision and values statements adopted in March 2019 were based on the foundational core values and guiding principles that were used to develop the National Commission and that current the mission statement was long and wordy, the vision statement should be more aspirational and the word "professionalism" should be added to the vision and values statements.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the revised National Commission mission, with immediate implementation.

The National Commission on Recognition of Dental Specialties and Certifying Boards further adopts the revised vision statement, with immediate implementation.

The National Commission on Recognition of Dental Specialties and Certifying Boards further adopts the revised values, with immediate implementation.

Consideration of Revised Rules of the National Commission on Recognition of Dental Specialties and Certifying Boards: The National Commission on Recognition of Dental Specialties and Certifying Boards adopted its revised mission statement; therefore the National Commission approved a conforming change to its *Rules*, Article 1. Mission of the National Commission to reflect the revised mission statement.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the revised *Rules*, specifically Article 1. Mission to include the revised mission statement, with immediate implementation.

Consideration of the National Commission on Recognition of Dental Specialties and Certifying Boards Draft Strategic Plan: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the draft strategic plan, action plan and strategic plan dashboard.

The Board of Commissioners noted the draft strategic plan contained the goals of (1) building strong relationships, (2) monitoring trends in the oral health care field, (3) building strong internal processes and (4) investigating potential sources of revenue to offset expenses.

The Board of Commissioners discussed financial concerns associated with Goal 1: Objective 1, related to holding an open meeting at the American Dental Association Annual Meeting, questioning the purpose of the event and spending money for something that may not have high value. The Board of Commissioners learned there appears to be confusion by the communities of interest related to why the National Commission was established, what the National Commission does and the difference between the National Commission and the Council and Dental Education and Licensure's Committee on Recognition. The Board of Commissioners further learned that the committee believed an information session might aid in decreasing this confusion and build public relations between the National Commission and its communities of interest.

The Board of Commissioners discussed concerns related to Goal 2 and the investigation of recognition of subspecialties. The commission learned that the National Commission has been approached regarding this topic; therefore, the committee believed that the National Commission should scan the external health care environment and determine if there is a need in dentistry.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the National Commission draft strategic plan, with immediate implementation.

The National Commission on Recognition of Dental Specialties and Certifying Boards further adopts the proposed strategic plan action plan, with immediate adoption.

The National Commission on Recognition of Dental Specialties and Certifying Boards further adopts the proposed strategic plan dashboard, with immediate implementation.

Discussion Related to the National Commission on Recognition of Dental Specialties and Certifying Boards Use of Consultants: The National Commission on Recognition of Dental Specialties and Certifying Boards discussed the Commission's current use of consultants.

Dr. James Boyle, chair, requested this item be placed on the Strategic Planning and Policy Review Committee meeting agenda with a recommendation to the National Commission. The Board of Commissioners discussed whether the National Commission should eliminate the role of consultants appointed to the Review Committees and utilize the option of bringing in external consultants as ad hoc appointees when required based on their expertise for a limited period of time.

As this is a complex issue, board members felt further study is required with the creation of an ad hoc committee to study the definition, term of service, nomination and appointment of external consultants for the Review, Standing and Special Committees based on the needs of the National Commission.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards directs the creation of an ad hoc committee to study definition, term of service, nomination and appointment of external consultants based on the needs of the Commission.

Consideration of Communication from the Dental Specialty Group Related to the National Commission on Recognition of Dental Specialties and Certifying Boards Application and Appeal Processes: The National Commission on Recognition of Dental Specialties and Certifying Boards considered correspondence from the Dental Specialty Group (DSG) related to the National Commission's Appeal Board and Application Process.

The Board of Commissioners noted the DSG proposed revisions to Article III, Appeal Board, of the National Commission *Rules* to eliminate the discretionary selection of a five (5) member Hearing Panel, suggesting that all members of the Appeal Board should participate in the hearing. The Board of Commissioners noted the correspondence further proposed revision to Article III, Appeal Board that would eliminate the ability of the Director of the National Commission to make the appointments of appeal board members to the hearing panel. The Board of Commissioners further noted the DSG proposed revision to the National Commission's Application Process, with greater emphasis on allowing public access to specialty recognition applications.

The Board of Commissioners discussed that DSG's proposed revision to Article III, Appeal Board, Section 2, Composition, creates a supermajority of specialist's verses general dentists and significantly weakens the control for conflict of interest. The commission discussed that the proposed revision related to the Director's appointment of hearing panel members, once again, significantly weakens the control for conflict of interest. In regards to public access to the applications, the commission noted that currently any member of the public has access to the entire application during the public comment period and may submit comments on whether the application meets the *Requirements for Recognition*. The Board of Commissioners further noted that the Review Committees have considered comments received from all members of the public and the communities of interest for the four (4) applications it has considered over the past two (2) years.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards directs staff to send correspondence to the Dental Specialty Group denying the Dental Specialty's Groups request to revise the policies and processes in question at this time, as they represent best practices in Commission governance.

Consideration of Proposed Recognition Status Definitions: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the proposed recognition status definitions.

At its March 11, 2019 meeting, the Board of Commissioners directed staff to provide the Strategic Planning and Policy Review Committee with the current Commission on Dental Accreditation's (CODA) status definitions to be used as model in the development of recognition status definitions for the recognized dental specialties, certifying boards and/or applicants for specialty recognition.

The Board of Commissioners discussed that having recognition statuses will provide notification to the communities of interest, including the public whether the organizations are in compliance with the *Requirements for Recognition* and/or National Commission policy. The Board of Commissioners further discussed that the recognition statues also provides clear graduated steps that will allow the recognized organizations to come into compliance.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts proposed recognition status definitions, with immediate implementation.

Consideration of Draft Policy Related to Withdrawal of Recognition: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the proposed policy related to the withdrawal of recognition from recognized dental specialty sponsoring organization and/or certifying board.

At its March 11, 2019 meeting, the Board of Commissioners directed staff to provide a draft policy on the withdrawal of recognition to the Strategic Planning and Policy Review Committee with a recommendation to the Board of Commissioners.

The Board of Commissioners noted that as the National Commission evolves, it is important that clear policies are in place that allow the National Commission to act and carry out its duties.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the proposed policy related to the Withdrawal of Recognition, with immediate implementation.

Consideration of Draft Application for Recognition of a Dental Specialty Sponsoring Organization: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the report of the Review Committee on Specialty Recognition related to the draft application for Recognition of a Dental Specialty Sponsoring Organization.

The Board of Commissioners noted that the modifications were to place word limits in each section to allow for concise and relevant responses, eliminate repetitive examples of evidence, and move some examples of evidence to ensure placement under the correct requirement. The Board of Commissioners further noted that revisions were required to the Application Process for Recognition of a Dental Specialty to provide further clarification of the intent of sections of the policy.

The Board of Commissioners discussed concerns the Review Committee had related to the number of disparaging and unprofessional comments about other professional organizations and individuals that have been submitted in applications for recognition as well as comments received during public comment period. The Board of Commissioners further discussed that policy needs to be developed related to the rejection of applications that are poorly written, not referenced properly, not properly paginated, and/or contain inaccurate and deceptive language.

The Board of Commissioners discussed that in an attempt to ensure all applications for recognition and public comments received by the National Commission are professional and properly address the *Requirements for Recognition*, a detailed instruction manual should be created to inform applicants of what is acceptable and/or unacceptable language for applications. The Board of Commissioners further discussed the development of comment grid to ensure that the communities of interest fully understand the intent of each *Requirement for Recognition* and provide guidance on what is an acceptable comment.

The Board of Commissioners discussed further revisions to Application Process for Recognition of a Dental Specialty and the Application Process for Recognition of a Dental Specialty Certifying Board to include language related to processes that address intentionally deceptive actions of applicants during the application process; noting that these types of actions will result in the automatic termination of the application, forfeiture of the application fee and the inability of the applicant to reapply for recognition for a period of three (3) years. The commission further noted that the proposed policy revisions will also need to include due process rights and the opportunity to appeal.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards adopts the proposed Application for Recognition of a Dental Specialty Sponsoring Organization, with immediate implementation.

The National Commission on Recognition of Dental Specialties and Certifying Boards further directs the Review Committees to develop a public comment grid that provides information related to the intent of the Requirements for Recognition.

The National Commission on Recognition of Dental Specialties and Certifying Boards further directs the Review Committees to develop policy language outlining process in the Application policies related to intentionally deceptive practices.

Discussion Related to the Development of Revised Requirements to be Considered by the Council on Dental Education and Licensure and the American Dental Association House of Delegates:

The National Commission on Recognition of Dental Specialties and Certifying Boards considered the development of revised Requirements for Recognition of Dental Specialties and National Certifying Boards for Dental Specialists to be considered by the Council on Dental Education and Licensure (CDEL) and the American Dental Association House of Delegates.

Dr. James Boyle, chair, requested that this agenda item be brought forward at the March 2020 meeting. Board members noted that the National Commission is required to use the ADA's *Requirements for Recognition* when evaluating an application for specialty recognition and that the *Requirements* are under the purview of the ADA House of Delegates and are maintained by CDEL as part of its ADA *Bylaws* duties. Revisions to the *Requirements* can only be adopted by the ADA House of Delegates.

Board members learned that over the past year, the National Commission received applications for recognition that have brought about numerous concerns that are not addressed in the *Requirements for Recognition*, nor were these concerns necessarily addressed in the National Commissions' *Policy and Procedure Manual*. These concerns include:

- Violation by sponsoring organizations of the National Commission's core beliefs
- Unprofessional behavior by individuals through the application public comment process
- Overlapping scope of practice and fundamental differences in treatment modalities and philosophies between organizations leading to public confusion
- Animosity between recognized sponsoring organizations and unrecognized sponsoring organizations due to disagreement on standard of care leading to a negative perception of the profession by the public and other health care professions
- Role of the National Commission when there is a dispute between recognized or unrecognized sponsoring organizations
- Use of disparaging language in applications for recognition about the American Dental Association and other sponsoring organizations/disciplines

The Board of Commissioners discussed concerns related to the fact that while it is not the role of the National Commission to act as mediator between disputing organizations; unfortunately, the National Commission has been placed in this role. The commission noted that while some applications for recognition may meet the *Requirements for Recognition*, these applications violate the core values, beliefs and ethical expectations of the National Commission. The Board of Commissioners further discussed that while the *Requirements for Recognition* are in place to protect the public, when there are disputes between competing organizations, the National Commission has concerns about recognizing one group over the other and the impact it could have on the profession of dentistry and the public.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards took no action of this agenda item.

Report of the Standing Committee on Finance: Below are the actions taken by the National Commission on Recognition of Dental Specialties and Certifying Boards related to the Report of the Standing Committee on Finance:

Consideration of Shared Services Agreement with the American Dental Association: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the proposed Shared Services Agreement with the American Dental Association.

The Board of Commissioners learned that the proposed shared service assessment is based on an allocation factor formula related to the number of full-time employees of the National Commission and the amount of services used by the National Commission. The figures in the 2020 shared services agreement is based on the audited 2018 financials and there will be a continued two (2) year gap between the audited expenses for the allocated expense pool and the National Commission future budgets. The Board of Commissioners further learned that the shared services agreement is a two (2) year contract that is renewable and will be re-evaluated at the time of renewal based on the National Commission's number of staff and use of the services outlined in the agreement.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Board approves the proposed shared services agreement with the American Dental Association, with immediate implementation.

Consideration of 2020 Budget Related to the Distribution of the Dental Specialty Sponsoring Organization Annual Contribution: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the 2020 budget distribution of the dental specialty sponsoring organizations annual contribution.

At its March 11, 2019 meeting, the Board of Commissioners adopted the National Commission's 2020 preliminary budget, which proposed an annual fee for each of the dental specialty sponsoring organizations of \$10,063 for a total of \$90,571, which is matched by the American Dental Association (ADA). The commission noted that at the time of adoption of the 2020 preliminary budget, the annual contribution of \$10,063 for the specialty sponsoring organizations was based on nine (9) recognized dental specialties; however, at its March 11, 2019 meeting, the National Commission recognized dental anesthesiology as tenth specialty.

The Board of Commissioners noted that the annual budget contribution of the specialty sponsoring organizations is based on an even split with the ADA of direct expenses, while indirect expenses are an additional expense that the ADA has covered since the National Commission was established. The Board of Commissioners further noted that the National Commission's actual direct costs may increase more than budgeted for 2020, based on an increase in the workload of the Commission.

The Board of Commissioners came to the conclusion the indirect expenses should also be split evenly between the recognized dental specialties and the ADA and the National Commission should begin to establish annual fees to reflect the goal of a 50%-50% split of all expenses, both direct and indirect.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Board affirms the annual fee of \$10,063 for each of the ten (10) recognized dental for 2020.

Consideration of 2021 Budget: The National Commission on Recognition of Dental Specialties and Certifying Boards considered the preliminary draft 2021 budget.

The Board of Commissioners noted that 2021 preliminary budget proposes an overall increase in direct expenses from \$197,982 in 2020 to \$198,499. The total fee allocated to the recognized dental specialty sponsoring organizations (\$110,693) is matched by the American Dental Association (ADA). The Board of Commissioners further noted that in 2021, the recognized dental specialty sponsoring organization contribution will remain at \$10,063.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Board adopts the 2021 preliminary budget.

Consideration of Communication from Dental Specialty Group Related to 2018 End-of-Year

Financials: The National Commission on Recognition of Dental Specialties and Certifying Boards considered communication from the Dental Specialty Group (DSG) related to the 2018 End-of-Year Financials.

The Board of Commissioners noted the most recent communication from the DSG is the second in regards to the same request. In a previous correspondence in 2018, the DSG requested an end-of-year summary of the 2018 budget versus actual expenses of the National Commission. There was no rationale given for the request. At its February 11, 2019 meeting, the Finance Committee considered the DSG request and made a recommendation to the National Commission Board of Commissioners to deny the DSG request for detailed budget information, as budget information is considered confidential information. At its March 11, 2019 meeting, the Board of Commissioners concurred with the recommendation of the Finance Committee to deny the request, noting that as the National Commission is an agency of the ADA, budget information is not shared directly with communities of interest and is considered confidential information, especially in regards to expenses related to staff salary and benefits. The Board of Commissioners noted that the other commissions of the Association do not share budget information with the appointing organizations.

The Board of Commissioners discussed that its position on this request has not changed from last year. Again noting that no other Commission provides their financials to their communities of interest. The Board of Commissioners discussed that when the National Commission was created, the dental specialty sponsoring organizations were informed they would be paying a seat fee, to which they agreed. The Board of Commissioners further discussed that commissioners appointed by the specialty sponsoring organizations have the ability to provide updates related the National Commission's budget process and that the National Commission operates on an extremely tight budget.

Commission Action: The National Commission on Recognition of Dental Specialties and Certifying Boards denied the DSG request for detailed, annual budget information, as budget information contains proprietary information which is considered confidential.

The National Commission on Recognition of Dental Specialties and Certifying Boards further directs staff to communicate with the DSG related to the National Commission decision to deny the release of the 2018 budget information.

Election of Vice Chair of the Commission: In accordance with the *Rules* of the National Commission on Recognition of Dental Specialties and Certifying Boards, the Board of Commissioners elects a Vice-Chair who is active, life or retired member of the American Dental Association.

Commission Action: The National Commission elects Dr. Frank Tuminelli to serve as its Vice Chair for 2020-2021.

Adjournment: The National Commission on Recognition of Dental Specialties and Certifying Boards adjourned at 11:38 am, Tuesday, March 3, 2020.