CONSTITUTION BYE-LAWS AND CODE OF ETHICS OF THE JAMAICA DENTAL ASSOCIATION 2011

Kingston, Jamaica

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CONSTITUTION

INTERPRETATION

In this Constitution and Bye-Laws, unless the context otherwise requires—

the use of the masculine gender forms, he/him shall be deemed to refer to both genders.

"the Association" means the Jamaica Dental Association

"the Executive Committee" means the Management Committee of the Association.

"the Council" means the Dental Council of Jamaica as established by the Dental Act;

"the Advisory Committee" means the Dental Auxiliaries Advisory Committee established by the Dental Act;

"Dental Auxiliary" means a person enrolled as a dental auxiliary in accordance with the Dental Act;

"Board" means the Disciplinary Board of the Association;

"functions" include duties and powers;

"practice of dentistry" includes the following as set out in the Dental Act —
the performance of any operation, and the treatment of any diseases, deficiencies, or lesions, on or of the human teeth or jaws, and the correction of malpositions thereof and the performance of radiographic work in connection with the human teeth or jaws;

the giving of any anaesthetic in connection with any operation on the human teeth or jaws;

the performance of any operation on, or the giving of any treatment, advice, or attendance to, any person, as preparatory to or for the
purpose of or for or in connection with the fitting, insertion, fixing, constructing, repairing, or removing of artificial dentures or restorative dental appliances; or

the performance of any such operation and the giving of any such treatment, advice, or attendance as is usually performed or given by dentists,

and the expression “to practise,” in relation to dentistry has a corresponding meaning;
“the Register” means the Register of Dentists as outlined in the Dental Act;

“Registered dentist” means a person registered as a dentist in accordance with the Dental Act;

“the Registrar” means the Registrar of the Dental Council of Jamaica;

NAME

1. The organization shall be known as the Jamaica Dental Association.

OBJECTS

2. The objects of this Association shall be:
(a) to promote the art and science in dentistry and to maintain the honour and interest of the dental profession.

(b) to secure the enactment and enforcement of just dental laws.

(c) the cultivation of a generous professional spirit among practitioners throughout the island.

(d) to enlighten and direct public opinion in matters pertaining to dentistry.

(e) the consideration of subjects appertaining to Dental and allied sciences.

(f) to promote, encourage and advance dental health and oral hygiene among the population of Jamaica by facilitating, undertaking and implementing public education and awareness on all matters related thereto so as to minimize the level of dental illness, defect and injury in Jamaica.

(g) to undertake, facilitate and promote research into special problems of dental and oral illness, defect or injury and the treatment and cure thereof, and into methods of alleviating the suffering, distress and handicaps arising therefrom.

MEMBERSHIP

3. The Association shall consist of an unlimited number of Ordinary, Active, Honorary, Student and Intern Members.

Ordinary members shall be any person registered to practice dentistry in Jamaica who –
has paid the fees of the association.

Active members shall be any Ordinary Member who –
has paid the fees of the association.
has a valid Practicing Certificate.
actively participates in the activities of the association.
regularly attends the meetings of the association, as evidenced by attending at least two (2) general meetings per year.

Such a member has the right to participate in all activities of the association, and has the right to be considered for/hold any office in the association.

Honorary members shall be any person who has rendered outstanding service to the Association, the profession or any other profession.

Student members shall be any person who is enrolled in a recognized dental school. Such membership shall terminate upon graduation.

Intern members shall by any person who has graduated from a recognized dental school, but has not yet satisfied the requirements of the country's regulatory body.

4. A member shall be said to be in Good Standing once he or she has paid the necessary fees and has conformed to the Constitution and Bye-Laws of the Association and to any other requirement as stipulated by the Executive Committee. Such a member would also have no suspensions or other restrictions on practicing in place.

A letter of Good Standing to this effect would be issued upon written request by a member. Included in this letter will be a statement as to the character and general professional ability of the member.

A member shall be said to be active and in good standing when they have satisfied the terms of being an active member and a member of good standing. Only members who are active and in good standing may vote in officer elections. Members who are neither active nor in good standing would have to obtain approval from the Executive Committee before being able to vote in officer elections.

All members will receive copies of the minutes of the association and other publications of the association.

OFFICERS

5. There shall be the following Officers of the Association:
(i) Elected Officers:
President
President-Elect
Immediate Past President
Vice-President
Secretary
Treasurer.

These officers may hold not more than two offices. They shall be elected by ballot at a General Meeting.

(ii) Appointed Officers:
Company Secretary

They shall be appointed at a General Meeting.

The duties of the aforesaid Officers shall be:

President
1. Serve as the primary official representative of the association in its contacts with governmental, civic, business and professional organizations for the purpose of advancing the objectives and policies of the association.

2. Oversee and ensure the proper running of all aspects of the association including the association's finances.

3. Serve as ex-officio member on all committees.

4. Plan all general and executive meetings of the association.

5. Chair all meetings of the association.

6. Submit an annual report to the association to be presented at the annual general meeting.

7. Perform such other duties as may be required by the association; and in so doing, may delegate such duties and responsibilities as he deems appropriate.

President-Elect

1. The President-Elect collaborates with the President to learn the role of the President.

2. Assists the President as requested in the performance of the duties of the President.

3. Represents the association at the request of the President.

4. Succeeds to the office of the President following on his term as President-Elect, or in the event that the President is unable to complete his term.

Immediate Past President

1. Provide advice and leadership to the Executive Committee regarding past practices and other matters to assist the Executive Committee in governing the Association.

2. Support the president and the President-Elect on an as-needed basis.

3. Share ideas, guidance, and expertise with the Executive Committee.

4. Assist the Executive Committee as requested.

Vice-President

1. Assist the President as requested in the performance of the duties of the President.

2. Represent the association at the request of the President.

Secretary

Coordinate communication among the Executive Committee members and between the Executive Committee and the general membership.

Assist the President as requested in the performance of the duties of the President.

3. Represent the association at the request of the President.

4. Provide the association with an annual report to be presented at the Annual General Meeting.

5. Responsible for the recording and safeguarding of the minutes of the Executive Committee and its sub-committees.

6. Custodian of important documents of the Association.

7. Process of members applications.

8. Coordinate the holding of internal elections.

Treasurer

1. Serve as custodian of all monies, securities and deeds belonging to the Association which may come into the Treasurer's possession.

2. Hold, invest and disburse all monies, securities and deeds, subject to the direction of Executive Committee and the Trustees.

3. Design a budgetary framework in concert with the Executive Committee.

4. Oversee the association's finances.

5. Provide the association with an annual report to be presented at the annual general meeting.

Company Secretary

Responsible for advising the Association on how to operate their business, and with legal, conflict of interest, accounting, corporate planning and strategic development advice.

Responsible for managing the security of the following Association documents:

Articles of Incorporation
Seal
Certificate of Incorporation
Certificate on Change of Name
Other documents of Title
Service Contracts

Responsible for administering the affairs of the Association, dealing with the receipt and care of official documents, making these documents required by law available for inspection by third parties, and by keeping current with the relevant legal and regulatory changes that may affect the Association.

Responsible for the maintenance of the Association's records:

Statutory books and records.
Members register.
Financial charges register.
Directors register.
Secretary register.

Responsible for the overall organization administration of general meetings. Specifically by ensuring compliance with established norms and procedures and through the preparation and sending out of notices, agendas, papers, and other documents in a timely manner. In addition he is responsible for formulating, sending out and taking of accurate minutes of the general meetings. He also is responsible for maintaining the Minute Books containing certified copies of the minutes of these meetings.

Assists with the implementation of decisions by ensuring that the decisions of the Association's general meetings are communicated to the membership and all other relevant parties.

Ensures that the Annual General Meeting is held in accordance with the Association's Articles, and in accordance with the Companies Act.

Responsible for legal advice through advice given to the Executive Committee on their legal responsibilities and updating them on developments in the law concerning the running of the Association.

Responsible for controlling the access to the Association's records by ensuring that only eligible persons can review these records, and ensuring that the Association is compliant.

Responsible for the collation of accounts and compliance with legislation by ensuring that the Association's accounting records are:
Maintained in accordance with company legislation.
Prepared in time.
In the form required by company law and accounting
standards.
Copies of the accounts are distributed to the appropriate persons within the correct time constraints.

Responsible for maintaining statutory registers and filing the required statutory returns and other required forms with the Companies Office within the parameters given. Particular importance is to be attached to filing the Association's accounts and returns, together with notices of changes to registers, especially charges.

Responsible for compliance with internal regulations and legislation by
checking that the Association complies with its Memorandum and Articles of Association and that these are in compliance with the Companies Act and other legislation.

The Company Secretary has no vote unless he is a member of the Association.

Although the Company Secretary may have no say in the company's decisions, he is an officer for the purposes of company law, however he cannot be held legally liable in the same way as a Director for breach of company law duties.

DURATION OF OFFICE

6. No Executive Officer shall hold the same office for a period exceeding three consecutive years.

EXECUTIVE COMMITTEE

7. There shall be a committee of management which shall be known as the Executive Committee. The Executive Committee shall consist of the Officers and five other active members, two of whom shall be appointed by the President and the other three shall be elected at the Annual General Meeting by ballot.

Five members of the Executive Committee shall be a quorum.

VACATION OF OFFICE

8. (i) Any member of the Executive Committee who shall be absent from three consecutive regular meetings (Executive Committee or General) without reasonable written excuse, shall be deemed to have vacated his office.

(ii) If the President is unable to finish his or her term in office, the Vice-President shall assume the office of President and the post of Vice-President shall be restored by ballot at the next General Meeting.

(iii) If one or more members of the Executive Committee are elected to two offices, or should any place become vacant for any reason on said Executive Committee, the full numerical strength of the Executive Committee shall be restored by the election of additional members by ballot at a General Meeting.

POWERS OF THE EXECUTIVE COMMITTEE

9. The Executive Committee in addition to the powers hereinafter specifically conferred upon them shall have the control of the finances of the Association; power to engage, control and dismiss servants of the Association and all such administrative and disciplinary powers as may be necessary for properly carrying out the objects of the Association in accordance with the rules.

PROPERTY OF ASSOCIATION

10. The property of the Association shall be vested in the Executive Committee for the time being who shall be responsible for the safe keeping thereof.

CALLING OF EXECUTIVE COMMITTEE MEETINGS

11. Meetings of the Executive Committee shall be convened by the Secretary as often as business warrants but at least once a quarter. The Honorary Secretary shall give seven clear days notice to each member of the Committee in order to summon an Executive Committee meeting.

The President may direct the Secretary to call a meeting of the Executive Committee at any time he/she deems it necessary, and for which three days notice shall be given.

SPECIAL MEETINGS OF THE EXECUTIVE COMMITTEE

12. Special meetings of the Executive Committee shall be called without undue delay by the Secretary on the written request of any two members of the Executive Committee. Such communication should state the purpose for which the meeting is required. Seven clear days notice of such meetings, together with a statement of the purpose for which it is called shall be sent to each member of the Executive Committee. Whereas both members should be present at the meeting, the meeting can proceed with at least one of the members who signed the request present. A written explanation for the absence from the other must be received and accepted by the meeting to allow the meeting to proceed.

SUB-COMMITTEES

13. The Executive Committee may from time to time appoint from among the members of the Association such sub-Committees as it may deem necessary or expedient and may depute or refer to them such of the powers and duties of the Executive Committee as the Executive Committee may determine. Such Sub-Committees shall report to the Executive Committee and shall conduct their business in accordance with the directions of the Executive Committee. Programme and Public Relations shall be Standing Sub-Committees.

ELECTION OF MEMBERS

14. Applications for membership shall be made to the Secretary in writing and must be accompanied by the prescribed application fee. Such application shall be presented to the next meeting of the Executive Committee for approval. A majority vote of eighty percent (80%) is required for approval.

Voting shall be by ballot, unless so decided otherwise by the Executive Committee.
The applicant shall have the right to re-apply after 6 months.

HONORARY MEMBERS

15. The Executive Committee may award Honorary Membership to persons whom in their opinion are eligible. An Honorary Member shall not pay any fees but shall be entitled to all the privileges and benefits of membership except that he shall not be qualified to be an officer or member of the Executive Committee or to vote as a member or to claim any share of the Association upon its dissolution, and that such proposal shall be made in writing, signed by two members who are active and in good standing.

A majority vote of eighty percent (80%) is required for approval.

Voting shall be by ballot, unless so decided otherwise by the Executive Committee.

RESIGNATION OF MEMBER

16. Any member may give notice of his intention to resign. Such notice shall be considered at the next meeting of the Executive Committee. If such resignation is accepted the member shall continue to be liable for all monies due the Association to that date. The Treasurer will make every effort to have any outstanding balances cleared by the effective date of the resignation or as soon as possible thereafter.

DISCIPLINARY BOARD

17. At the Annual General Meeting a Chairman and three other members shall be elected to form a Disciplinary Board. The Executive Committee shall fill any vacancies on this Board.

It shall be the duty of this Board to judge any breach of the Code of Ethics of the Association; cases of misconduct or the behaviour of any member likely to bring the Association into discredit or dishonour which shall be brought to its attention in writing. It shall be its duty to reach a decision, with due regard to any evidence produced, using all the means at its command to acquaint itself with the true facts. It shall be their duty to pronounce judgment in accordance with the severity of the offence.

The accused and the Board may be represented by Counsel, provided that notification of this is provided in writing to either party giving at least seven days notice.

The Board shall report its finding in writing to the accused with a copy to the Executive Committee.

APPEALS

17A. Any member dissatisfied with a decision reached by the Disciplinary Board shall have the right of appeal to the Executive Committee.

Every appeal must be made in writing to the Secretary not later than 14 days after the receipt by such member of any decision. The appeal must contain the grounds on which it is made. The Executive Committee shall have the power to uphold, vary or reverse the verdict.

No member of the Disciplinary Board shall have a vote on an appeal. The decision of the Executive Committee shall be final.

MISCONDUCT OF MEMBERS

17B. Cases of misconduct or behaviour of any member likely to bring the Jamaica Dental Association into discredit or dishonour and which shall be brought to the attention of the Association shall be dealt

with by the Disciplinary Board which shall have the power to censure, suspend or exclude such member from the Association.

CONVENTION COMMITTEE

18. At the Annual General Meeting a Chairman shall be elected of the Convention Committee. The Chairman shall be a member who has previously served on a Convention Committee.

The Convention Committee shall consist of the Chairman and eight other members.

At a general meeting there shall be elected the other members of the Convention Committee. The Chairman shall have the privilege of appointing two members of the Committee and the meeting shall then elect six other members to form a Committee. The President, President-Elect and Secretary shall be ex- officio members.

Their duty shall be to design, prepare and bring to a conclusion any Dental Convention decided upon by the Managing Committee of the Association at such time and at such place as the Managing Committee may see fit to decide upon.

The duties of this Committee shall be:-

a. To keep a record of their deliberations and decisions.

b. To keep an accounting of any monies entrusted to them.

c. To prepare and present to the Executive Committee an audited statement of account upon the completion of their work.

d. Upon the acceptance of the statement of account, any monies in excess of INCOME over expenditure shall be delivered over to the Trustees to be placed in the Convention Fund.

e. To prepare a full and complete report on their work which they shall present to the Executive Committee.

CONVENTION FUND

18A. There shall be a “Convention Fund” into which the excess of INCOME over expenditure from any Dental Convention held by the Association shall be placed.

TRUSTEES

18B. Two (2) Trustees shall be appointed at the Annual General Meeting and they shall hold office at the pleasure of the Members or until their sooner resignation. It shall be their duty to take possession of the monies of the “Convention Fund” and if they see fit, and with the approval of the Executive Committee invest it and any further monies entrusted to them in Jamaican Government Securities or First Mortgages. Any other investment option must be approved by the members at a General Meeting.

They shall produce a report to the Executive Committee any time they be called upon to do so, but the authorization for expenditures should come from a general meeting properly convened, the notice for such meetings having included the motion for the withdrawal of such funds.

In the event of death or resignation of one or both trustees then the Executive Committee shall elect replacements who shall hold office until the next General Meeting.

The names of any persons prepared to accept nomination as a “Trustee” shall be sent to the Secretary duly nominated and seconded at least 30 days before the Annual General Meeting at which it is intended to hold such election.

ORAL HEALTH MONTH COMMITTEE

19. At the Annual General Meeting a Chairman shall be elected of the Oral Health Month Committee. The Chairman shall be a member who has previously served on the Oral Health Month Committee.

The Oral Health Month Committee shall consist of the Chairman and four(4) other members.

At a general meeting there shall be elected the other members of the Oral Health Month Committee. The Chairman shall have the privilege of appointing two members of the Committee and the meeting shall then elect two other members to form a Committee. The President, President-Elect and Secretary shall be ex- officio members.

Their duty shall be to design, prepare and bring to a conclusion the programme for Dental Health Month as decided upon by the Executive Committee of the
Association at such time and at such place as the Executive Committee may see fit to decide upon.

The duties of the Oral Health Month Committee shall be:-

To further develop the Association’s aim and objectives as stated in
Objects (d), (e), and (f) in a specifically defined period.

To keep a record of their deliberations and decisions.

To keep an accounting of any monies entrusted to them.

To prepare and present to the Executive Committee a statement
of account upon the completion of their work.

e. Upon the acceptance of the statement of account, any monies in excess of INCOME over expenditure shall be delivered over to the Treasurer to be placed in the Association’s accounts.

f. To prepare a full and complete report on their work which they shall present to the Executive Committee.

GENERAL MEETINGS

20. There shall be four General Meetings held quarterly, one of which shall be the Annual General Meeting, at such time and place as the Executive Committee may direct.

Notice of each general meeting shall be published in an Association printed or electronic format by the Company Secretary.
Fourteen clear days notice shall be given by the Company Secretary in printed or electronic format to summon each General Meeting.

The quorum for each General Meeting shall not be less than eleven Active Members.

In the absence of a quorum the General Meeting would be adjourned until the same time and hour of the following week at which time the meeting will take place with the members present. The second

meeting which will be called the Adjourned General Meeting will be held with the members who are present, whether the quorum is met or not, and the decisions taken at this meeting will be binding.

ANNUAL GENERAL MEETING

21. The Annual General Meeting, which is one of the four General Meetings of the Association, shall be held in January, unless otherwise directed by the Executive Committee, for the following purposes: –

a) To receive from the Executive Committee a report of the year under review

b) To receive from the Executive Committee an audited statement of accounts

c) To decide upon any resolution which may be duly submitted to the meeting

d) To have the President-elect take office

e) To elect the following officers and other members of the Executive Committee:
i. Officers
1. President-Elect
2. Vice-President
3. Secretary
4. Treasurer
ii. Members
Two (2) members selected by the President
Three (3) members elected by ballot

f) To elect a Chairman and three (3) members to form a Disciplinary Board.

g) To elect Trustees for the Convention fund in accordance with Rule 18B.

h) To appoint a Company Secretary.

To elect a Chairman of the Oral Health Month Committee.

j) To elect a Chairman of the Dental Convention Committee.

The order of the elections and appointments shall be under the direction of the officer elected under (d), who, subsequent to their assuming the office of President, will assume the position of Director of the Elections and ask for the dissolution of the present executive as a precursor to the elections and appointments that will follow.

EXTRAORDINARY GENERAL MEETING

22. An Extraordinary General meeting shall be called by the Company Secretary at the direction of the President or on the written direction of any seven Active Members. Such communication to state the purpose for which the meeting is required. At least five of the Active Members who signed the application must be present to allow the meeting to start. A written explanation for absence from the other two Active Members must be accepted by the meeting to allow the meeting to proceed.

Seven days notice, in writing shall be given by the Company Secretary, stating the object for which it is called, to each member to summon an Extraordinary General Meeting. No other business than that

stated in the
notice shall be transacted at this meeting.

The quorum for each such meeting shall not be less than eleven Active Members.

In the absence of a quorum the Extraordinary General Meeting would be adjourned until the same time and hour of the following week at which time the meeting will take place with the members present. The second meeting which will be called the Adjourned Extraordinary General Meeting will be held with the members who are present, whether the quorum is met or not, and the decisions taken at this meeting will be binding.

NOTICE

23. The non-receipt by a member of a notice convening any meeting shall not invalidate the proceedings of such meeting.

ALTERATION OF RULE

24. Any alterations or additions to these Rules required from time to time shall be made by Resolution passed at a General Meeting. Any member desiring to propose such alterations or additions must give notice in writing, stating the effect thereof, to the Company Secretary at least one calendar month before the date of the meeting, and a copy of such proposal shall be sent to every member with the notice convening the meeting.

FINANCE

25. The application fee shall be as determined by the Annual General Meeting and shall accompany the application for membership.

26. The membership fee. The subscription to the Association shall be as determined by the Annual General Meeting. Subscription for a new member shall be fifty percent (50%) of the membership fee. A member shall be considered to be new for the first twelve months of their membership.

If a member shall retire from the practice of dentistry his subscription shall be reduced to twenty-five percent (25%) of the membership fee from the end of the current year, provided that he has been a member for over 10 years.

27. Assessments. When in the judgment of the Association it is necessary to expend funds over and above the amount then in the Treasury, a pro rata assessment may be called for by a three-fourths vote of the members present at a regular General Meeting, PROVIDED that seven (7) days notice of such purpose to assess shall have been given each member.

28. Arrears of dues. If a member is in arrears for dues for more than one year he shall not be eligible to attend any meetings or functions of the Association and at the end of 18 months shall automatically lose his membership.

He shall be eligible for re-instatement:-

(a) If still a member, on the payment of all outstanding dues

(b) If no longer a member, by application for re-election by the Executive Committee and shall not be eligible for re-election until the payment of all outstanding dues.

DISBURSEMENTS OF FUNDS

29. All disbursements from the funds of the Association shall be made upon the order of the Executive Committee and all bills shall be certified to the Treasurer by the Secretary. All cheques shall be signed by the Treasurer and either the President or Secretary.

RULES OF ORDER

30. In all proceedings of the Association if no special rule has been adopted Robert's Rules of Order shall be authoritative.

31. All previous rules of the Jamaica Dental Association are hereby rescinded and the above rules substituted.

NOTICE – for the Guidance of Registered Dentists
concerning the Disciplinary Jurisdiction
of the DENTAL COUNCIL

I. Statutory Jurisdiction of the DENTAL COUNCIL:

Under the Dental Law amended 1972, the Dental Council has a responsibility to promote high standards of conduct among dentists. The law provides that a dentist shall be liable to censure, suspension, or have his name erased from the dentists' Register, if, either before or after he is registered he has:

(a) been convicted for an offence, or
(b) been guilty of infamous or disgraceful conduct in a professional respect.

This Notice is issued by the Jamaica Dental Association for the information and guidance of registered dentists to indicate the nature of criminal offences which may cause them to be censured or suspended or lead to erasure of their names from the Register.

II. Convictions:

In considering a conviction reported to the Dental Council it has to determine whether the gravity of the offence which the dental practitioner has committed or the cumulative gravity of offences committed by him on more than one occasion makes it necessary in the public interest to erase his name from the Register.

Dentists are liable to censure, suspension or erasure from the Register as a consequence of:

(a) Driving or being in charge of a motor vehicle when under the influence of drink or drugs, or being found drunk or being drunk and disorderly or incapable;

(b) Forgery, fraud, larceny, embezzlement and cognate offences;

(c) Bigamy;
(d) Offences involving indecency.

III. Unprofessional Conduct:
1. A registered dentist who employs the

<u>services</u>

of any person to practice dentistry has a duty to satisfy himself that that person is permitted by law to do so, and any registered dentist who either knowingly or through neglect of this duty enables a person to do dental work which that person is not permitted by law to do, is liable to disciplinary action.

2. Dangerous Drugs: A registered dentist who commits an offence under the Dangerous Drugs Law involving an abuse of the privileges conferred on him under this law is liable to disciplinary action, whether or not his offence has been the subject of criminal proceedings.

3. Abuse of Professional Relationship: A registered dentist who commits any act of immorality, indecency or dishonesty or any other act involving abuse of the professional relationship in which he stands, to a patient, is liable to have his name erased from the Register.

4. Improper Statements or Certificates: A registered dentist who makes any statement or declaration, or signs or authorizes any person to sign on his behalf by means of a rubber stamp or otherwise any certificate or other document, or who induces or permits a patient to sign any certificate or document which he knows to he untrue, misleading or otherwise improper, is liable to have his name erased from the Register.

5. Use of Titles and Description: A registered dentist is prohibited from using any title or description other than dentist, dental practitioner, dental surgeon, etc., (see Principles of Ethics Section 7) reasonably calculated to suggest that he possesses any professional status or qualification other than the one which he in fact possesses. A registered dentist who contravenes the provision of this section is liable to disciplinary action.

6. Misleading Announcements: Any act or omission by a registered dentist in connection with his practice which is calculated to mislead the public may be held to constitute infamous and disgraceful conduct.

7. Responsibility of Partners and Directors: Any registered dentist who enters into partnership with or is employed by an individual who unlawfully carries on the business of dentistry, or any registered dentist who becomes a director of a body corporate which unlawfully carries on the business of dentistry is liable to have his name erased from the Register.

CODE – PRINCIPLES OF ETHICS OF THE JAMAICA DENTAL ASSOCIATION

SECTION I. Service to the Public:

The dentist's primary duty is to serve the public and is discharged by giving the highest type of service of which he is capable and by avoiding any conduct which leads to a lowering of esteem of the profession of which he is a member.

Advisory Opinions:

1. It is unethical for a dentist to display his fees on a form in his waiting room. This practice is undignified and will lower public esteem for the profession.

2. The use of professional letter heads in connection with a dentist's effort to promote commercial endeavour is undignified; and might tend to lower public esteem of the profession.

3. A local society's announcement in the public press of the availability of a budget payment dental care plan should be dignified. It would be undignified for the announcement to list the names of the dentists participating in the plan.

4. It is not unethical for a dentist to inform his patients on recall card or otherwise that he will render certain services free of charge.

5. It would be unethical for a dentist to sell to his patients' professional samples given to him by commercial houses.

6. A dentist who permits his professional identification to be a prominent part of an advertisement in connection with non-professional commercial endeavour is in violation of Section I.

SECTION II. Government of Profession

Every profession receives from society the right of regulation which is achieved largely through the influence of the professional societies, and every dentist has a dual obligation of making himself a part of a professional society and of observing its Rules of Ethics.

SECTION III. Use of Auxiliary Personnel

The dentist has an obligation to protect the health of patient by not delegating to a person less qualified any service or operation which requires the professional competence of a dentist. The dentist has a further obligation of prescribing and supervising the work of all auxiliary personnel in the interest of rendering the best service to the patient.

Advisory Opinion:

It is unethical for a dentist to delegate to a lay person the function of taking impressions.

SECTION IV. Establishment in Practice:

In General Practice, a dentist is free to practice where he chooses. He should not take advantage of information obtained during negotiations for a practice or a partnership where these negotiations have broken down. Nor should a practitioner commence practice where he has acted as an assistant or locum tenens for the practitioner in that locality without written consent of the established practitioner.

In Specialist Practice, a dentist who limits his practice to an area of dentistry may include that information in his cards, letter heads, announcements and directory listings consistent with the customs of the dentists of the community if the following conditions are met:-

that he must have a certificate or diploma in the indicated area of dentistry: and/or
is recognized by, his colleagues;
the dentist's practice must be limited exclusively to the indicated area of
dentistry.

It is desirable that he should inform the J.D.A. of his intention to limit his practice to an area of dentistry.

SECTION V. Cards, Letter heads, Announcements:

A dentist may properly utilize professional cards, announcement cards, recall notices to patients of record, and letter heads, when the style and text are consistent with the dignity of the profession and with the custom of other dentists in the community.

Professional Cards should be of modest type announcing his name, title, address, telephone number and office hours, and if he confines his practice to a specialty he may so announce, e.g., "Practice limited to . . ."

Announcement Cards should be of modest type, and may include for example: "John Doe, D.D.S. begs to announce that he has moved (or will be absent from) office from …… to……..."

Announcement cards may be sent when there is a change in location or alteration in the character of practice, but only to other dentists, to members of the health professions, and to patients on the book of the practice. Local Press announcement is permissible for change of address only, but must not contain any indication whatever of the nature of the advertiser's profession. Example: See above leaving out degrees.

Advisory Opinion:
1. A dentist who invites patients of record, other dentists and physicians to an "open house" in connection with the establishment of a new office is not engaged in unethical conduct.

2. A dentist who imprints flamboyant pictures and descriptive material on his office stationery is engaged in unethical conduct.

3. It is unethical for a dentist to send announcement cards to the public at large.

4. Where a dentist purchases or takes over the practice of another dentist who is retiring, it is not unethical to send announcements to the retiring dentist's patients of record.

SECTION VI. New Patient – procedure to be adopted:

It is understood that all patients have a right to choose their dentist, but any enticement or even encouragement to do so by another practitioner is highly unethical. The following procedures should be observed:

(i) When a dentist, in whatever form of practice, has reason to believe that a patient who requests him to give advice or treatment is not under the care of another practitioner, he is at liberty to accede to the request unless he has previously seen the patient in consultation with a colleague or when acting as

deputy for a colleague. In either of the latter two events, while dealing with any emergency that may exist, he should forthwith explain to his colleague and should not accept the patient for further treatment without his colleague's consent.

(ii) When a dentist is consulted by a patient whom he has reason to believe is normally attended by another practitioner, he should ascertain if the reason for consultation is the wish of the patient to change his dentist: if so he is entitled to accept the patient.

(iii) If the consultation is because the patient's usual practitioner is unable through absence or illness to attend to him, only emergency treatment should be undertaken.

(iv) When a dentist is consulted by a patient who has previously been treated by a colleague, it is his duty to avoid, as far as possible, any word or action which might disturb the confidence of the patient in the previous dentist. (A lack of knowledge of conditions under which the services were afforded may lead to unjust criticism).

Advisory Opinion:
In malpractice suits both parties have a right to present expert testimony through witness. A dentist acting as a witness should not be disciplined merely for presenting his professional opinion.

SECTION VII. Use of Professional Titles and Degrees:

A dentist may use the titles Dentist, Dental Practitioner or Dental Surgeon, associated with his name, followed by the approved abbreviations attached to the title or degree received: Doctor of Dental Surgery(D.D.S.); Doctor of Dental Medicine (D.M.D.); Licentiate in Dental Surgery Royal College of Surgeons(L.D.S.R.C.S.); Licentiate in Dental Science (L.D.Sc.); Bachelor of Dental Surgery (B.D.S.); Diploma in Medicine (Stomatology) (M.D.(Stomatology)), Diploma in Stomatology (Dip. Stom.), or qualification indicated by particulars entered in the dental register in respect of him in connection with his name on card, letter heads, office door sign, and announcement's. A dentist may not use his title or degree in connection with the promotion of any drug, agent, instrument or appliance.

Advisory Opinion:
1. A dentist who permits his name with title or degree to be used in circulars and other material advertising a product such as a denture cleanser, is promoting a dental product in violation of the Principles of Ethics, unless said product is approved by the Jamaica Dental Association.

2. A practicing dentist who identifies himself by title or degree in material promoting the products of a dental supply house owned or managed by that dentist is engaged in unethical conduct.

3. A dentist who merely demonstrates a piece of dental equipment within a commercial exhibit at a professional meeting is not engaged in unethical conduct.
4. A dentist should not spell out his degree -"Doctor of Dental Surgery" or "Doctor of Dental Medicine", etc.

5. Misleading announcements – any act or omission by a registered dentist in connection with his practice which is calculated to mislead the public may be held to constitute infamous or disgraceful conduct.

6. A dentist who uses a title gained by an unearned academic degree in any announcement to the public would be in violation of Section 7 of the Principles of Ethics as this may be misleading. An unearned

academic degree is an honorary degree or one awarded by a non- accredited educational institution. The use of the titles gained by an unearned or non-health degree and fellowships that designate association, rather than attainment, is advised to be limited to scientific papers and curriculum vitae. The general public may be mislead by the use of such fellowships in any announcement to the public as it implies to the public that the dentist has attained additional qualifications in dentistry.

SECTION VIII. Use of the terms “Clinic and “Group Practice”.

The term “clinic”‘ should be limited to designate public or quasi-public institutions established on a not-for-profit basis for the purpose of providing dental health care.

“Group Practice” is that type of dental practice in which ethical licensed dentists, sometimes in association with members of other health professions, agree formally between themselves on certain central arrangement designed to advance the economical and efficient conduct of a dental practice in order to render an improved health service to the patient.

The Principles permit the use of “group” or “group practice” only if such designations are not in conflict with community custom.

SECTION IX. Advertising:

A dentist may advertise, provided that in so doing the dentist does not advertise or communicate in a manner that is misleading or false.

The dentist has the obligation of advancing his reputation for fidelity, judgment and skill primarily through his professional services to his patient and society.

Articles written for the lay press should not appear to laud the writer. While the dentist’s photograph and qualifications can be published, his address should not be published along with the article.

Lectures to lay audience: A dentist may deliver a lecture to a lay audience. He should take all reasonable steps to see that in any preliminary announcement or subsequent press report of the lecture, his professional qualifications and/or ability (as distinct from the subject matter of the lecture), are not made the subject of laudatory reference.

A dentist’s name can appear in extra large type or emphasized type, and the dentist can pay to have his name and/or telephone number inserted in any directory.

Advisory Opinion:
A. A dentist who advertises, solicits patients or engages in business and/or promotional activities will not result in a violation of Section 9 of the Principles of Ethics save where such activities are false or misleading in any material aspect.

1. A dentist who distributes his professional cards to the public-at-large or to all persons eligible for dental care under a group health care plan, including many persons not his patient of record, is engaged in unethical conduct even though he is the only dentist who has agreed to render service to the group.

2. A dignified paid announcement of the availability of a budget payment dental care plan is not unethical.

3. The publication of a list of dentists who have agreed to participate in a group dental care plan to those who are eligible for care would not result in violation of Section 9 of the Principles of Ethics governing advertisement.

4. It is not unethical for the J.D.A. to purchase institutional advertising to counteract the advertising of an unethical dentist. Such practice, however, may not be good taste.

5. A dentist who issues a news release linking himself to new advances in dentistry is engaged in unethical practice. News releases concerning achievements of dentistry should come from the dental Society or other appropriate professional sources.

6. A dentist who gives lectures or demonstrations before lay groups on a particular technique, which he employs in his practice, is in violation of Section 9 of the Principles of Ethics. Such conduct is merely a form of advertising which imports superiority over the dentist's colleagues.

7. A dentist who takes part in sound or television programmes should insist on anonymity. A dentist who takes part in sound or television programmes without insisting on anonymity would not be in violation of Section 9 of the Principles of Ethics.

8. A dentist who permits his name to appear in heavy type in a directory, or inserts his name in any directory where a charge is made for the insertion would not be in violation of Section 9 of the Principles of Ethics.

9. A dentist who, in promoting their practice, uses a trade name or an assumed name that is false or misleading would be in violation of Section 9 of the Principles of Ethics.

10. A dentist may use the name of a dentist no longer actively associated with the practice for a period not to exceed one year, without being in violation of Section 9 of the Principles of Ethics, provided that the dentist no longer actively associated with the practice has retired and has given expressed consent after receiving legal advice. The continuation of the use of the name of the departing dentist after a year will be in violation of Section 9 of the Principles of Ethics if prominent notice, in the public medium, is not provided. The erection of a sign at the office and the issuing of a short statement to patients and clients of the practice to the effect that the departing dentist has retired will be in keeping with Section 9 of the Principles of Ethics.

11. A dentist so qualified and credentialed can inform the public of their specialization, and in doing so, should use the terms "specialist in" or "practice limited to", and upon such announcement, shall limit their practice to the announced specialist area of dental practice without being in violation of Section 9 of the Principles of Ethics. The following areas of specialty are recognized by the Jamaica Dental Association: Oral and Maxillofacial Surgery/Facio-Maxillary Surgery, Paediatric Dentistry, Orthodontics & Dentofacial Orthopaedics, Dental Public Health, Endodontics, Periodontics, Prosthodontics, Oral and Maxillofacial Pathology, Oral and Maxillofacial Radiology.

SECTION X. Rebates and Split Fees:

The dentist may not accept or tender "rebates" or "'split fees".

Advisory Opinion:

1. A fee arrangement between dentists which is not disclosed to the patient constitutes fee-splitting and is unethical.

2. A fee arrangement between a dentist and an anaesthetist which is fully disclosed to the patient is not unethical.

3. A dentist who purchases a deceased dentist's practice and agrees to pay to the widow or the estate a percentage of the fees collected from patients of record of the deceased dentist for a limited period of time is not in violation of Section 10 of the Principles of Ethics.

4. A dentist who agrees to pay another dentist a percentage of his fees as part of an agreement covering the sharing of office facilities is not in violation of the prohibitions within this section.

5. Dentists in partnership may use any reasonable formula for determining how partnership profits may be divided among partners.

SECTION XI. Secret Agents and Exclusive Methods.

The dentist has an obligation not to prescribe, dispense or promote the use of drugs or other agents whose complete formulae are not available to the dental profession. He also has the obligation not to prescribe or dispense, except for limited investigative purposes, any therapeutic agent, the values of which are not supported by scientific evidence. The dentist has the further obligation of not holding out as exclusive, any agent, method or technique.

Advisory Opinion

1. A dentist is to inform their patients of all relevant information their patients needs to make an informed decision to purchase a product that they are prescribing, dispensing or promoting. This is to include locations where the product can be purchased, and the dentist shall disclose if there are any financial incentives for the dentist to recommend the product. Dentists have an independent obligation to verify that claims made by manufacturers about dental products that they are promoting have a scientific basis, and that the claims made are accurate and truthful. The dentist would be in violation of Section 11 of the Principles of Ethics is they induce their patients to purchase products or submit to undergo a procedure by misrepresenting the value of the product or procedures.

SECTION XII. Rules of Treatment in Hospital:

1. In the case of an in-patient in a general hospital, the dental officer to the institution should carry out any dental treatment demanded by the patient's general condition. If further dental treatment is necessary, nothing should be done to influence the patient's free choice of dentist.

2. In the case of a patient attending the outpatient department of a general hospital, the dental officer to the institution should advise concerning any dental treatment necessitated by the patient's general condition; if treatment is necessary, nothing should be done to influence the patient's free choice of dentist.