



**THE  
CONSTITUTION  
&  
BYLAWS**

Revised May 2016

# CONSTITUTION

## ARTICLE I . NAME

This organization shall be known as the Texas Dental Association, hereinafter referred to as "the Association" or "this Association".

## ARTICLE II . OBJECT

The object of this Association shall be to encourage the improvement of the health of the public, to promote the art and science of dentistry and to represent the interest of the members of the profession and the public which it serves.

## ARTICLE III. ORGANIZATION

**SECTION 10. CONSTITUENT SOCIETY:** This Association is a Constituent Society of the American Dental Association having declared its allegiance to said Association and having agreed to the formation and perpetuation of the House of Delegates thereof.

**SECTION 20. INCORPORATION:** This Association is a non-profit corporation under the laws of the State of Texas. If this Corporation shall be dissolved at any time, after payment of all indebtedness of the Corporation, its surplus funds and properties shall be donated to the American Dental Association Relief Fund.

**SECTION 30. CENTRAL OFFICE:** The registered office of this Association shall be known as the Central Office and shall be located in the City of Austin, Travis County, Texas.

**SECTION 40. MEMBERSHIP:** The membership of this Association shall consist of ethical dentists and other individuals, whose further qualifications and classifications shall be set forth in Chapter I of the *Bylaws*.

**SECTION 50. COMPONENT SOCIETIES:** Component Societies shall be those District Societies approved as such by this Association in accordance with Chapter II of the *Bylaws*.

**SECTION 60. TERRITORIAL DIVISION:** The membership of this Association shall be divided into four (4) Divisions, as provided in Chapter III of the *Bylaws*. Each of these four (4) Divisions shall be represented equally on the Board of Directors.

## ARTICLE IV. GOVERNMENT

**SECTION 10. LEGISLATIVE BODY:** The legislative and governing (policy-making) body of this Association shall be the House of Delegates, which may be referred to as "the House" or "this House", as provided in Chapter IV of the *Bylaws*.

**SECTION 20. ADMINISTRATIVE BODY:** The administrative body of this Association shall be a Board of Directors, which may be referred to as "the Board" or "this Board" as provided in Chapter V of the *Bylaws*.

## ARTICLE V. OFFICERS, COUNCILS, COMMITTEES

**SECTION 10. ELECTIVE OFFICERS:** The elective officers of this Association shall be a President, President-elect, four (4) Vice-presidents, four (4) Senior Directors, four (4) Directors, a Secretary-Treasurer, a Speaker of the House of Delegates, an Editor, and such others as may be provided for, whose duties and responsibilities shall be enumerated in Chapter VI of the *Bylaws*.

**SECTION 20. ELECTION:** The officers of this Association shall be elected by the House of Delegates to serve until their successors are duly elected as provided in Chapter IV of the *Bylaws*.

**SECTION 30. PRESIDENT:** The President shall open the annual session of the Association with a report of his/her activities during the year. He/she shall be the chief elected officer of the Association. He/she shall not be eligible to serve two annual terms in succession.

**SECTION 40. COUNCILS AND COMMITTEES:** In addition to the Board of Directors, there shall be such councils or committees as may be provided for in the *Bylaws*.

## **ARTICLE VI. ANNUAL SESSION**

The annual session of this Association shall be held at such time and place as shall be determined at a previous session, or fixed by the Board of Directors ad interim.

## **ARTICLE VII. THE PRINCIPLES OF ETHICS AND CODE OF PROFESSIONAL CONDUCT**

The Principles of Ethics and Code of Professional Conduct of this Association, upon approval of the House of Delegates, shall govern the professional conduct of all members. Such Principles of Ethics and Code of Professional Conduct shall not be in conflict with or limit those of the American Dental Association.

## **ARTICLE VIII. SEAL**

This Association shall possess a Seal.

## **ARTICLE IX. AMENDMENTS**

This Constitution may be amended by two-thirds (2/3) affirmative vote of the members of the House of Delegates present and voting, provided that the proposed amendments have been presented in writing at a previous annual session of the House of Delegates.

The Constitution may also be amended at any session of the House of Delegates by unanimous vote, provided the proposed amendments have been presented in writing at a previous meeting of the same annual session. Failing a unanimous vote, the proposed amendment shall be considered to have been presented at this session for consideration at the next session of the House of Delegates and shall require a two-thirds (2/3) affirmative vote of the members of the House of Delegates for adoption.

# BYLAWS

## CHAPTER I. MEMBERSHIP

### SECTION 10. CLASSIFICATION.

The members of this Association shall be classified as follows:

**Active Members.**

**Life Members.**

**Student Members.**

**Honorary Members.**

**Associate Members.**

**Retired Members.**

**Team Members.**

**Interim Members.**

### SECTION 20. QUALIFICATIONS.

**A. ACTIVE MEMBER.** A dentist shall be qualified to be an active member of this Association who is (1) licensed to practice dentistry (or medicine if the doctor has a D.D.S. or D.M.D. degree) in the State of Texas provided such applicant resides or practices within the territorial jurisdiction of a component society or (2) engaged as a full time instructor in an accredited dental school in Texas and not licensed in the State of Texas but is so licensed in any state or territory of the United States of America, provided he/she is a member in good standing residing or practicing within the territorial jurisdiction of a component society of this Association or (3) a dental officer serving actively in one of the Federal Dental Services, as defined in the *Bylaws* of the Texas Dental Association, who is not licensed in the State of Texas but is so licensed in any state or territory of the United States of America, provided such applicant resides or is stationed within the territorial jurisdiction of a component society of this Association and is a member in good standing of a component society of this Association.

***EXPLANATORY NOTE:*** *The term "federal dental services" as used in the Constitution and these Bylaws shall mean the dental departments of the Air Force, the Army, the Navy, the Public Health Service, the Veterans Administration and other federal agencies.* Active membership shall cease upon the date when the above active membership qualifications are no longer met.

**B. LIFE MEMBER.** A member shall be a life member in good standing who has been an active and/or retired member in good standing of this Association for thirty (30) consecutive years or a total of forty (40) years of active and/or retired membership, as a member in good standing of all states combined, provided the last twenty (20) of these years having been an active and/or retired member in good standing of the Texas Dental Association and has attained the age of sixty-five (65) years. Life membership shall be effective the calendar year following the year in which the requirements are fulfilled. Such member shall be a member in good standing at the time of qualification as a life member. Maintenance of membership in good standing in the member's component society and in the American Dental Association shall be requisite for continuance of life membership in this Association. The Association will give notification to members who are eligible for life membership-retired and life membership-practicing. To qualify for life member-retired, the member shall submit an affidavit attesting to the member's qualifications for retired life membership through the component society, and said component society shall submit a certificate verifying such qualification. A dentist who was an active member, but subsequently became a student member-graduate, shall be entitled to have the year or years of student member graduate membership counted as active membership for the sole purpose of establishing possible later eligibility for life membership. An Associate Member in good standing who later becomes an active member of this Association shall be entitled to have one-half (1/2) of the total years spent as an associate member counted as active membership in determining possible later eligibility for Good Fellow or for Life Membership in this Association.

**C. STUDENT MEMBER.** Student membership shall be designated as follows:

**a. STUDENT MEMBER.** A student of an accredited dental school in the United States or any dentist who has proceeded directly from pre-doctoral status into a full time advanced training program of not less than one academic year's duration may, upon application to the Association, become a student member of this Association, or he/she may at his/her option, become a student member of a component society of this

50 Association and upon approval of his/her student membership by the component society concerned, his/her  
51 application for such membership shall be forwarded to the Secretary-Treasurer of this Association for approval.  
52 He/she may become an active member by complying with the provisions of Section 20A of this Chapter.

53 **b. STUDENT MEMBER-GRADUATE.**

54 A dentist who has been an active member of this Association who enrolls full time in (1) an advanced training  
55 course of not less than one academic year's duration in an accredited school or residency program in areas  
56 neither recognized by the American Dental Association nor accredited by the Commission on Dental  
57 Accreditation of the American Dental Association or (2) a residency program or advanced education program in  
58 areas recognized by the American Dental Association and in a program accredited by the Commission on Dental  
59 Accreditation of the American Dental Association may become a student member- graduate of this Association  
60 by promptly notifying (1) the Secretary of his/her component society and (2) the Secretary-Treasurer of this  
61 Association of his/her desire to interrupt his/her active membership and providing each secretary with full  
62 particulars related thereto and provided further that he/she is a student member of the American Dental  
63 Association during the period of such advanced training or residency program. He/she may resume his/her  
64 active membership in this Association by prompt notification of (1) the Secretary of the component society  
65 concerned and (2) the Secretary of this Association of such intention upon completion of such advanced training  
66 or residency program. His/her active membership will be restored in full without selection by the component  
67 society concerned but in all other respects in accordance with and in compliance with the provisions of Section  
68 70A,d of this Chapter.

69 **D. HONORARY MEMBER.** An individual who has made outstanding contributions to the advancement of the art  
70 and science of dentistry, upon nomination by the Board of Directors and election by the House of Delegates,  
71 shall be classified as an honorary member of this Association.

72 **E. ASSOCIATE MEMBER.** A dentist not eligible for active membership in this Association or who is serving  
73 actively in or retired from one of the federal dental services, who contributes to the advancement of the  
74 Association, upon election by a component society shall be classified as an associate member of this  
75 Association. Such membership shall continue so long as he/she maintains membership in good standing in the  
76 American Dental Association and the component society of this Association. Federally employed American  
77 Dental Association member dentists, who are licensed in the State of Texas and who are not residing or  
78 practicing within the territorial jurisdiction of this Association, may become an associate member of this  
79 Association without having to have concurrent membership in a component society.

80 **F. RETIRED MEMBER.** An active member in good standing who is now a retired member of his/her component  
81 society and is no longer earning income from the performance of service as a member of the faculty of a dental  
82 school, as a dental administrator, or consultant, or as a practitioner of any activity for which a license to practice  
83 dentistry or dental hygiene is required by the State of Texas may be classified as a retired member upon  
84 application to the Secretary-Treasurer of this Association and upon proof of qualification. To qualify for retired  
85 membership status, the active member shall submit an affidavit attesting to his/her retirement through his/her  
86 component society of this Association and his/her component society shall verify such retirement. Maintenance  
87 of active or retired membership in good standing in his/her component society, entitling him/her to all the  
88 privileges of an active member, shall be prerequisite for entitlement and continuance of retired membership in  
89 this Association.

90 **G. TEAM MEMBER.** Non-dentist employees sponsored by a Texas Dental Association dentist, to include dental  
91 hygienists, dental assistants, business assistants and laboratory personnel shall be classified as team members  
92 of this Association upon application and remittance of required fees.

93 **H. INTERIM MEMBER.** A dentist, who has completed the application with dues payment and meets the  
94 qualifications for active membership in this Association, shall become an interim member of this Association  
95 until the selection process by the component society is completed.

96 **SECTION 30. DEFINITION OF "IN GOOD STANDING."**

97 **A. MEMBER IN GOOD STANDING.**

98 A member of this Association whose dues and special assessments for the current year have been paid shall be  
99 in good standing. Provisions, exceptions and exemptions in these *Bylaws* that apply to dues of active members

100 shall also apply to special assessments for the purpose of determining a member's good standing. In addition, a  
101 member who elects to pay dues and any special assessments via an approved installment payment plan shall be  
102 in good standing provided that the installment payments are current.

103 **B. MEMBER IN GOOD STANDING TEMPORARILY UNDER**

104 **SUSPENSION.** A member in good standing who is under disciplinary sentence of suspension imposed by his/her  
105 component society or as provided in Chapter II, Section 30B of these *Bylaws* shall be designated as a "member in  
106 good standing temporarily under suspension" until his/her disciplinary sentence has terminated.

107 **C. LIFE MEMBER-RETIRED.** The requirement of paying current dues and assessments does not apply to life  
108 members- retired of this Association for the purpose of determining their good standing.

109 **D. MEMBER RECEIVING RELIEF FUND ASSISTANCE.** A member of this Association receiving assistance from the  
110 American Dental Association Relief Fund and/or the Relief Fund of this Association shall be exempt from  
111 payment of dues and assessments and shall be in good standing during the period  
112 of such assistance.

113 **E. DISABLED MEMBER.** A member of this Association who is totally disabled for a period of one year and who  
114 is unable to engage in the duties of the dental profession and who is a member in good standing at the time  
115 total disability was incurred, shall be exempt from the payment of dues and assessments and shall be in good  
116 standing during the period of total disability. A totally disabled member, other than one totally disabled during  
117 active military service, in order to receive entitlement to dues exemption shall submit through his/her  
118 component society, to this Association, a medical certificate attesting total disability. During the period of  
119 exemption from dues, further certificates shall be presented upon request to this Association.

120 **SECTION 40. PRIVILEGES.**

121 **A. ACTIVE MEMBER.**

122 **a.** An active member in good standing shall receive the *Texas Dental Journal* and *TDA Today*, the subscription  
123 fees of which shall be included in the annual dues. He/she shall receive a certificate of membership, which shall  
124 be certified annually. He/she shall be entitled to attend any scientific session of this Association and other  
125 services as are provided by the Association.

126 **b.** An active member in good standing shall be eligible for election as a delegate to the House of Delegates and  
127 for election or appointment to any office or agency of this Association or the American Dental Association,  
128 except as otherwise provided in these *Bylaws*.

129 **c.** An active member under disciplinary sentence of suspension shall not be privileged to hold office, either  
130 elective or appointive including delegate or alternate delegate, in this Association or the American Dental  
131 Association, to vote or otherwise participate in the selection of Association officials. This does not preclude the  
132 component societies concerned from limiting further the privileges of active members under suspension. A  
133 sentence of suspension shall not abrogate any contractual relations between the disciplined member and a third  
134 party.

135 **d.** The **Order of Good Fellow** shall be conferred upon active members after twenty-five (25) years of continuous  
136 membership in this Association. Years spent as a student member-graduate or one-half (1/2) of the years spent  
137 as an associate member shall be counted as years of active membership in determining eligibility for Good Fellow  
138 in accordance with Chapter I, Section 20B of these *Bylaws*. An appropriate emblem and certificate, issued by  
139 the Secretary-Treasurer, will be presented to each Good Fellow.

140 **B. LIFE MEMBER.** A life member in good standing shall receive a certificate of life membership. The certificate  
141 of membership of an active life member shall be certified annually. He/she shall be entitled to all the rights and  
142 privileges of an active member of this Association, whether in active practice or in retirement.

143 **C. STUDENT MEMBER.**

144 **a. STUDENT MEMBER.** A student member in good standing shall be entitled to all the privileges of any scientific  
145 session but shall have no other privileges of this Association.

146 **b. STUDENT MEMBER-GRADUATE.**

147 A student member: graduate in good standing shall receive a certificate of membership and shall be entitled to all  
148 the privileges of active membership in this Association except that he/she shall not be able to vote or hold office  
149 during the period of such membership.

150 **D. HONORARY MEMBER.** An honorary member shall receive a certificate of honorary membership. He/she  
151 shall be entitled to attend meetings of component societies and any scientific session of this Association and  
152 other services as are authorized by these *Bylaws*. He/she shall not be eligible to Vote or hold office in a  
153 component society or in this Association.

154 **E. ASSOCIATE MEMBER.**

155 **a.** An associate member in good standing shall receive the *Texas Dental Journal* and *TDA Today*, the subscription  
156 fees of which shall be included in his/her annual dues. He/she shall be entitled to attend component society  
157 meetings-and any scientific session of this Association but shall not be eligible to vote or hold office in a  
158 component society or in this Association.

159 **b.** Years of associate membership shall be counted towards Life Membership in accordance with Section 20B of  
160 this Chapter.

161 **F. RETIRED MEMBER.** A retired member shall be entitled to all the privileges of an active member. He/she may  
162 receive a certificate of membership upon request.

163 **G. TEAM MEMBER.** A team member shall receive a membership card, shall be entitled to attend any scientific  
164 session of this Association and may participate in eligible services offered by FSI. A team member shall not have  
165 the right to vote or hold office in this Association.

166 **H. INTERIM MEMBER.** An interim member shall only be entitled to the privilege of attending meetings of the  
167 Association as a recognized member. Full privileges occur upon active membership.

168 **SECTION 50. FIFTY YEAR AWARD.** A member of this Association who has been a continuous member of  
169 organized dentistry for fifty (50) years shall be eligible to receive a certificate and an emblem from this  
170 Association, attesting to such achievement, upon the recommendation of the Board of Directors and the  
171 approval of the House of Delegates.

172 **SECTION 60. NEW MEMBERSHIP.**

173 **A. NEW MEMBER.** A new member is one who has never been an active, life or retired member of this  
174 Association.

175 **B. APPLICATION.**

176 **a.** Application for membership shall be made on the *Official Application Form for Membership* of this Association.  
177 **b.** A prospective new member shall submit an application for membership to the Texas Dental Association or  
178 the component society that has been approved by the Texas Dental Association Council on Membership, within  
179 whose jurisdiction the applicant's primary practice is located. If the applicant has not established a primary  
180 practice, he/she shall make application to the Texas Dental Association or the component society in which  
181 he/she resides. Upon the establishment of a primary practice, as reported to the TDA, membership shall be  
182 transferred to the component in which the primary practice is located without component judicial review and  
183 without the payment of additional dues or assessments for the current year. The membership staff of this  
184 association or those component societies that have agreed to perform membership processing shall provide a  
185 quote for dues, in compliance with the Texas Dental Association *Bylaws*.

186 **c.** A newly licensed dentist in the State of Texas who meets all the requirements of membership for this  
187 association and who submits an *Official Application Form for Membership* within six months of being conferred  
188 a DDS or DMD degree shall be processed immediately by the membership staff of this association or by those  
189 component societies that have agreed to perform membership processing.

190 **d.** The *Official Application Form for Membership* shall be subject to the approval of the Board of Directors.

191 **e.** Dues and assessments for the component society, this Association and the American Dental Association, as  
192 indicated on the application, must accompany same in the form of a check or credit card payment made  
193 payable to the Texas Dental Association. With required fees attached, the application shall be submitted to the  
194 membership staff of this association or to those component societies that have agreed to perform membership  
195 processing.

196 **f.** The membership staff of this association or those component societies that have agreed to perform  
197 membership processing shall perform verification with the appropriate licensing agencies and component  
198 societies and report the findings to the component responsible for selection.

199 g. Each applicant for new membership shall be sent a copy of the *Constitution and Bylaws* and *The Principles of*  
200 *Ethics and Code of Professional Conduct of this Association.*

201 **C. SELECTION**

202 a. All applicants selected to active membership in component societies shall, by virtue of such selection,  
203 become members of this Association and the American Dental Association upon certification by the component  
204 secretary and the Secretary-Treasurer of this Association. Active membership shall commence upon the date  
205 the Secretary-Treasurer of this Association receives notification of selection by the component.

206 b. All applicants selected to associate membership in component societies shall, by virtue of such selection,  
207 become associate members of this Association upon proven certification by the component secretary and the  
208 Secretary-Treasurer of this Association.

209 c. Interim members shall only be entitled the privilege of attending meetings of the Association as a recognized  
210 member. Full privileges occur upon active membership. Active membership approval can be obtained by a  
211 majority vote of the board of directors of the component in consultation with the component Judicial/Ethics  
212 Chair. This should be completed within 30 days of the notification from the Association Secretary-Treasurer.

213 **D. NON-ACCEPTANCE.** If the application for membership is not accepted, the dues and fees attached shall be  
214 refunded to the applicant by the component secretary.

215 **E. SPECIAL CASES RELATED TO MEMBERSHIP.** This Association shall adhere to the policies adopted by the  
216 American Dental Association in regard to specialized cases related to membership.

217 **F. RE-APPLICATION – SPECIAL CASES RELATED TO DISCIPLINARY PROCEEDINGS.** Prior to consideration for  
218 reinstatement of membership in a component society, an applicant must agree, in writing, that if selected,  
219 he/she will face all pending charges or complaints, whether they be judicial, ethical or peer review, levied  
220 against the individual while a previous member of the component society of this Association. Resigning or  
221 allowing membership to lapse when there are pending ethical, judicial or peer review proceedings shall be  
222 considered unethical conduct. A resignation from membership, or a membership lapse prior to final resolution  
223 of any ethical, judicial or peer review proceedings, which gives rise to a charge of possible unethical conduct  
224 shall be considered a pending charge a former member must face.

225 **SECTION 70. DUES.**

226 **A. ACTIVE MEMBERS.**

227 a. The annual dues of active members of this Association shall be four hundred ninety-five (\$495.00) plus the  
228 approved annual dues of the component society and the American Dental Association, due January 1 each year.

229 b. An active member of this Association temporarily on active duty with a federal dental service on a non-career  
230 basis, and who pays American Dental Association dues through the regular channels (component and this  
231 Association) shall be exempt from payment of dues and assessments to this Association during such military  
232 duty but not to exceed a period of three years.

233 c. A member of the *Order of Good Fellow*, having permanently retired from active practice, due to unfortunate  
234 circumstances and who is unable to pay his/her dues, may be extended the privileges of life membership retired  
235 upon application in writing to the Secretary-Treasurer of this Association, provided the component society  
236 having jurisdiction has taken similar action by waiving component society dues.

237 d. The payment of dues and assessments of component societies and of this Association for the first five years of  
238 active membership immediately following graduation from dental school or completion of an advanced training  
239 course of not less than one academic year's duration or residency program which was commenced upon  
240 graduation from dental school or interruption of active membership to return to student member-graduate  
241 status to be as follows for applicants who were student members.

242 (1) For the remainder of the year of graduation and the following first full calendar year – exempt from dues and  
243 assessments.

244 (2) Second year, twenty-five percent (25%) of dues and assessments.

245 (3) Third year, fifty percent (50%) of dues and assessments.

246 (4) Fourth year, seventy-five percent (75%) of dues and assessments.

247 (5) Commencing with the fifth year and thereafter, one hundred percent (100%) of dues and assessments.

248 Eligibility for the foregoing schedule



249 of reduced dues and assessments is based upon continuous membership. A dentist who accepts classification  
250 as a student member-graduate while enrolled in an advanced training course of not less than one year's  
251 duration or residency program, after having previously paid dues and assessments as an active member under  
252 the foregoing schedule of reduced dues and assessments for active members, will again commence payment of  
253 dues and assessments for active members upon completion of such programs at the next period-in-time level of  
254 the foregoing schedule.

255 (6) Year of and/or first full year after graduation or completion of an advanced training course or residency  
256 program by an applicant for membership who did not maintain student membership, fifty percent (50%) of dues  
257 and assessments and then in following years, full dues and assessments.

258 (7) On a one-time basis, a licensed dentist applying for membership who has never been an active member of  
259 the American Dental Association and is not otherwise eligible as a new graduate under this Section of the  
260 Bylaws, shall pay reduced dues and assessments at the rate of 50% of active member dues and assessments in  
261 the first year, and shall pay 100% of active member dues in the second year and each year thereafter. Student  
262 membership in the American Dental Association or any other student dental organization does not disqualify  
263 the applicant for this reduction of dues and assessments.

264 **B. LIFE MEMBERS.**

265 a. Life members-practicing shall be subject to the same dues structure as those of the American Dental  
266 Association. The dues and assessments of practicing life members shall be one-half (1/2) of the annual dues and  
267 assessments of active members of this Association.

268 b. Life members-retired shall be exempt from payment of dues and assessments.

269 **C. STUDENT MEMBERS.**

270 a. **Student Members:** Student Members shall be exempt from payment of dues and assessments to this  
271 Association.

272 b. **Student Members-graduate.** Active members making application for student member-graduate and fulfilling  
273 all other requirements for this category of membership shall pay no dues or assessments to this Association.

274 c. Student membership terminates on December 31 after graduation or upon completion of a residency or  
275 graduate work, as provided in Section 20C of this Chapter.

276 d. Dentists who have been student-members and who are making application for the first time or former active  
277 members who have been student members-graduate and are resuming active membership, all in the calendar  
278 year of their graduation or completion of residency or graduate work, fulfilling all other requirements for  
279 membership, may be accepted without payment of additional dues or assessments for the current year.

280 e. For active members qualifying under the subsection above, the dues and assessments for succeeding  
281 calendar years shall be as provided in subsection A,d of this Section plus the required dues of the American  
282 Dental Association.

283 **D. HONORARY MEMBERS.** Honorary members shall be exempt from payment of dues.

284 **E. ASSOCIATE MEMBERS.** The dues of associate members shall be one-half (1/2) the dues and assessments of  
285 active members due January 1 of each year.

286 **F. RETIRED MEMBERS.** The dues and assessments of retired members shall be one-half (1/2) of the annual dues  
287 of active members of this Association or in accordance with Subsection A,c. of this Section.

288 **G. TEAM MEMBERS.** The annual dues  
289 of team members of this Association shall be ten dollars (\$10.00) due January 1 each year.

290 **H. LOSS OF MEMBERSHIP AND REINSTATEMENT.**

291 a. Any member whose dues and assessments for the calendar year are not paid by March 31 shall be dropped  
292 from the membership roll.

293 b. Reinstatement of membership may be secured on the payment of dues and assessments of this Association  
294 in accordance with Subsection A above, and on compliance with the pertinent bylaws and regulations of the  
295 component society involved.

296 c. A former active member of this Association upon being reselected or reinstated to active membership shall be  
297 required to pay the full year's dues and assessments.

298 **I. ACCEPTANCE OF BACK DUES AND SPECIAL ASSESSMENTS.** For the purpose of establishing continuity of  
299 active membership in order to qualify for Order of Good Fellow, life membership and the Fifty Year Award,  
300 back dues and special assessments, except as otherwise provided in these *Bylaws*, shall be accepted for not  
301 more than the three years of delinquency prior to the date of application for such payment. The rate of such  
302 dues and special assessments, except as otherwise provided in these *Bylaws*, shall be in accordance with  
303 Subsection A above.

304 **J. MEMBERS SELECTED AFTER JULY 1 AND OCTOBER 1.** Those new members, except recent graduates as  
305 provided for in Chapter I, Section 70 A. d, of these *Bylaws*, selected to active, practicing life, retired or associate  
306 membership in this Association after July 1, except for those whose membership has lapsed for failure to pay  
307 the current year's dues and/or any special assessment, shall pay fifty percent (50%) of the current year's dues  
308 and fifty percent (50%) of any special assesment(s) then in effect, and those selected after October 1, shall be  
309 exempt from the payment of the current year's dues and any special assessment(s) then in effect on a one-  
310 time only basis.

311 **K. DUES REDUCTION.** The Board of Directors may authorize limited dues reduction, up to seventy-five percent  
312 (75%) of active member dues and any special assessment for the purposes of promoting active membership in  
313 target markets of potential new members through marketing campaigns recommended by the Council on  
314 Membership. This reduction of active member dues and any special assessments shall be on a one-time only  
315 basis for these potential new members.

316 **L. REFUNDS.** There shall be no refunding of dues and assessments of this Association except as otherwise  
317 provided in these *Bylaws*, except that dues of a deceased member may be refunded to the family if the  
318 Secretary-Treasurer receives notification prior to the time dues are forwarded to the American Dental  
319 Association.

320 **M. MEMBERS SUFFERING HARDSHIP.** Those members who have suffered a significant financial hardship that  
321 prohibits them from payment of their full dues and assessments may be excused from the payment of fifty  
322 percent (50%), seventy five percent (75%) or all of the current year's dues as determined annually by the  
323 component society and this Association. This Association shall provide the same proportionate waiver of dues  
324 and assessments as that determined by the component society.

325 **N. TEXAS DENTAL JOURNAL SUBSCRIPTION FEE**

326 **a.** The amount of annual dues received from each dues paying member, which shall be credited to the operation  
327 of the publications of the Texas Dental Association, as a subscription fee, shall be determined by the Board of  
328 Directors of this Association.

329 **b.** Except for life members-retired, non-dues paying members of this Association may receive the *Texas Dental*  
330 *Journal* by subscription only at the regular subscription rate.

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## CHAPTER II

### COMPONENT SOCIETIES

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334 **SECTION 10. ORGANIZATION.** This Association shall prescribe the territorial boundaries of the component  
335 societies without overlapping by counties or parts thereof. When the distances separating the dental  
336 population are so great, or when the number of dentists in the district has grown so large as to make it  
337 inconvenient and impractical for all dentists in that district to be members of one society covering that district,  
338 and when there are enough members, a component society may form two or more societies in such district  
339 with not less than ten (10) members in each society. Such division may be made between the groups, or  
340 between a group and this Association, and with final approval by the House of Delegates of this Association,  
341 thus creating two or more component societies, provided the societies shall each have representation in the  
342 House of Delegates on the same basis as other component societies and shall meet all the other requirements  
343 of a component society.

344 **SECTION 20. NAME.** A component society may be known by name, number or letter.

345 **SECTION 30. POWERS.**

346 **A. SELECTION OF MEMBERS.** A component society shall have the power to select its active members as active  
347 members of this Association in accordance with Chapter I, Section 20A and 60C of these *Bylaws* and shall be the

348 judge of the qualifications and ethical fitness of its membership and those who are being proposed for  
349 membership in this Association except as otherwise provided in Chapter I, Section 60B,b,c of these *Bylaws*.  
350 **B. DISCIPLINE OF MEMBERS.** Each component society shall have the right to  
351 discipline by censure, suspension, or expulsion any of its members as provided in Chapter X, Section 20 of these  
352 *Bylaws*. Upon notification by the Secretary-Treasurer of this Association that the license to practice dentistry of  
353 an active member has been suspended by the Texas State Board of Dental Examiners, the active membership of  
354 such member shall cease automatically for the duration of such suspension of his/her license. The provisions of  
355 Chapter I, Section 20, 30 and 40 A,c of these *Bylaws* shall apply when relevant.  
356 **C. DUES AND ASSESSMENTS.** Component societies shall have the authority to make per capita assessments  
357 against their members to defray the expenses of their own organization. The official year for component  
358 societies shall be determined by the component society, but dues and assessments shall be paid as provided in  
359 Chapter I, Section 70 of these *Bylaws*. Component societies shall aid this Association in collection of all dues and  
360 assessments and render such other assistance as may be reasonably requested.  
361 **D. INCORPORATION.** Component societies shall have the right and authority  
362 to incorporate under the laws of the State of Texas, but, as such corporation, they must consider their affairs in  
363 conformity with the *Constitution* and *Bylaws* of this Association.  
364 **SECTION 40. DUTIES.**  
365 **A. STUDENT MEMBER CLASSIFICATION.** Each component society shall establish a classification for student  
366 members and such applicants, upon selection by component society, shall become student members of this  
367 Association in accordance with Chapter I, Section 20C of these *Bylaws*.  
368 **B. CONSTITUTION AND BYLAWS.**  
369 Each component society shall adopt and maintain a constitution and bylaws which  
370 shall not be in conflict with, nor limit, the *Constitution* and *Bylaws* of this Association and/or the American Dental  
371 Association and shall have the power to adopt a code of ethics not in conflict with the *Principles of Ethics and*  
372 *Code of Professional Conduct* of this Association and/or the American Dental Association and shall file a copy of  
373 each or either and any changes which may be made thereafter, with the Secretary-Treasurer of this Association.  
374 Before becoming operative, or subsequent amendments thereto, the *Constitution* and *Bylaws* and/or *Code of*  
375 *Ethics* shall be reviewed and approved by the Council on Constitution and Bylaws and then submitted to the  
376 Board of Directors of this Association for final approval.  
377 **C. REPRESENTATIVES TO THE HOUSE OF DELEGATES.** To receive and maintain recognition as a component  
378 society, the society must send its delegates and alternate delegates to the annual session of this Association.  
379 **SECTION 50. COMMITTEES.**  
380 **A. JUDICIAL COMMITTEE.** There shall be a Judicial Committee elected by and from the membership of each  
381 component society of this Association. The Judicial Committee shall function in the same manner in each  
382 component society in accordance with Chapter XIV of these *Bylaws*.  
383 **a.** Except as otherwise provided in Chapter I, Section 60B, b, c, the Judicial Committee shall review applications  
384 for membership of dentists residing or practicing within their respective districts and shall review inquiries of  
385 any State Board of Dental Examiners pending or past actions and/or any pending or past Texas Dental  
386 Association peer review, ethical or judicial actions. The Judicial Committee shall pass upon the eligibility of such  
387 applicants in accordance with Section 30A of this Chapter, and the Committee shall present a report, with  
388 appropriate recommendations to the component society and action shall then be taken by said society. The  
389 component society shall notify the Texas Dental Association of action taken within 30 days of receiving the  
390 notification of application.  
391 **b.** Disputes, protests or charges regarding conduct arising in relation to any member of the component society  
392 shall be received in writing and referred to the Judicial Committee for hearing and decision in accordance with  
393 Chapter X, Section 10 and 20 of these *Bylaws*.  
394 **c.** A Component Society may amend its Bylaws to provide that in place of a Judicial Committee, the Society shall  
395 elect a Judicial Official. The Judicial Official shall function in the following manner:  
396 

1. The Judicial Official shall be trained to perform the functions of Judicial Official by the TDA.

397 2. In components with a Judicial Official, the TDA Judicial Council shall investigate and determine eligibility  
398 of applicants in accordance with Section 30 A of this Chapter. The Judicial Council shall present a report,  
399 with appropriate recommendations, to the Component Society and Judicial Official and action shall be taken  
400 by the Society. The Component Society shall notify the TDA of action taken within thirty (30) days of  
401 receiving the report and recommendation from the Judicial Council.

402 3. The Judicial Official shall receive all disputes, protests or charges regarding conduct arising in relation to  
403 any member of the Component Society which shall be sent to the Society in writing and refer such disputes,  
404 protests or charges to the Judicial Council for investigation, hearing and decision in accordance with Chapter  
405 10, Section 10 and 20 of these *Bylaws*.

406 **B. LEGISLATIVE ACTION COMMITTEE.** There shall be a Legislative Action Committee appointed in each  
407 component society of this Association, which shall act in liaison and cooperate with the Council on Legislative  
408 and Regulatory Affairs of this Association.

409 **C. MEMBERSHIP RECRUITMENT AND RETENTION COMMITTEE.** There shall be a Membership Recruitment and  
410 Retention Committee appointed in each component society which shall act in liaison and cooperate with the  
411 Council on Membership of this Association.

412 **D. PEER REVIEW COMMITTEE.** There shall be a Peer Review Committee elected by and from the membership of  
413 each component society of this Association. The Peer Review Committee shall function in the same manner in  
414 each component society in accordance with Chapter XIV of these *Bylaws*.

415 **SECTION 60. PRIVILEGES OF MEMBERSHIP.** An active, life or retired member in good standing shall enjoy all  
416 privileges of component membership except as otherwise provided in the Component Society *Bylaws*.

417 **SECTION 70. NEW MEMBER ORIENTATION.** Each component society of the Association shall provide an  
418 orientation session for each new member.

419 **SECTION 80. OFFICERS.** The officers of a component society shall be a president,  
420 secretary, treasurer and such others as may be  
421 prescribed in its bylaws. No provision of this *Constitution* and *Bylaws* shall be construed to prohibit either  
422 separating or combining the offices of secretary and treasurer.

423 **SECTION 90. BOARD OF DIRECTORS.** Each component society shall provide for and annually elect a Board of  
424 Directors from its membership.

425 **SECTION 100. ELECTION OF OFFICERS.** The annual election of officers, including delegates and alternates of  
426 component societies shall be held on or before their February meeting with the delegates and alternates being  
427 elected one year in advance of the term which they are to serve. The secretary of the component society shall  
428 submit the names of the elected officers, delegates and alternates, to the Secretary-Treasurer of this  
429 Association no later than the 15th of March.

430 **SECTION 110. INSTALLATION OF OFFICERS.** Officers shall be installed after the current annual session of this  
431 Association.

432 **SECTION 120. DUTIES.**

433 **A. PRESIDENT.** It shall be the duty of the President:

434 **a.** To act as the chief elective officer of the component society.

435 **b.** To perform all duties prescribed by the bylaws of the component society.

436 **c.** To serve on the Texas Dental Association Committee of Component Society Presidents.

437 **B. SECRETARY.** It shall be the duty of the secretary:

438 **a.** To be the custodians of all the records of the component society.

439 **b.** To keep up to date records of all dentists licensed to practice in their districts with correct addresses for both  
440 members and non-members.

441 **c.** To make all reports to the Secretary-Treasurer of this Association as may be required from time to time in the  
442 prosecution of the affairs of this Association.

443 **d.** To maintain and make available to the Secretary-Treasurer of this Association a copy of the minutes of every  
444 meeting of his/her society outlining in detail all official actions taken by the component.

445 **C. TREASURER.** It shall be the duty of the treasurer:

446 a. To receive all moneys including component, this Association and the American Dental Association dues and  
447 assessments from reinstated members.

448 b. To promptly remit Texas Dental Association and American Dental Association dues and assessments to the  
449 Secretary-Treasurer of this Association.

450 c. To make bond in the amounts fixed by his/her component society.

451 **SECTION 130. FAILURE TO PERFORM DUTY.** Should a component secretary fail to cooperate with the  
452 Secretary-Treasurer of this Association or be indifferent to his/her duties as outlined in these *Bylaws*, the Board  
453 of Directors of this Association shall instruct the component society to request his/her resignation and elect one  
454 they have reason to believe will function as required.

455 **SECTION 140. RIGHT OF HEARING AND APPEAL.** Any member dropped from the roll, suspended or expelled  
456 from a component society shall likewise be dropped from the roll of this Association upon notice to the  
457 Secretary-Treasurer. Where applicable, the member so suspended or expelled shall have the right of appeal as  
458 provided in Chapter X, Section 20E of these *Bylaws*. During such appeal and until final action, the member shall  
459 retain all his/her rights of membership, provided his/her dues and assessments are current.

460 **SECTION 150. TRANSFER FROM ONE JURISDICTION TO ANOTHER.**

461 **A. COMPONENT RELOCATION** A member who has changed residence or location of practice from the  
462 jurisdiction of one component society to that of another so that the member no longer fulfills the membership  
463 requirements of the component society of which he or she is a member, may maintain active membership in  
464 that component society for the calendar year following such change of residence or practice location. A  
465 member who is required to transfer membership from one component society to another shall be exempt from  
466 payment of additional dues and assessments for the current year. If the application for membership is denied,  
467 the member shall be entitled to a hearing by the component society on the decision denying such application  
468 for transfer and, if applicable, the Council on Ethics and Judicial Affairs of this Association and the ADA Council  
469 on Ethics, Bylaws and Judicial Affairs in accordance with Chapter III, Section 40 of *ADA Bylaws*.

470 Active membership may be maintained in only one component society at a time. Notice of the member's  
471 acceptance must be sent to the Secretary-Treasurer of this Association within thirty (30) days of the member's  
472 acceptance by the new component society. A dentist who retires from active practice and establishes residence  
473 in an area outside of the jurisdiction of the component society in which the dentist holds membership shall be  
474 permitted to continue membership in such component society for the period of retirement.

475 *Explanatory Note: This subsection does not affect the current (May, 1999) membership of any member in good*  
476 *standing nor will it affect the future membership status of any current (May, 1999) member who changes the*  
477 *location of his/her practice from within the territorial jurisdiction of his/her component society to that of another*  
478 *contiguous component society.*

479 **B. CONSTITUENT RELOCATION.** An active member in good standing of another constituent society of the  
480 American Dental Association who changes the location of his/her practice into the jurisdiction of one of the  
481 component societies of this Association and who qualifies for active membership under Chapter I, Section 20A  
482 of these *Bylaws* will be accepted for active membership in this Association without the payment of additional  
483 dues and assessments for the current year, provided he/she has paid the required dues for the current year to  
484 the former constituent society, upon notification of the Secretary-Treasurer of this Association within thirty (30)  
485 days of his/her acceptance by the component society having jurisdiction.

486 **C. WAIVER OF JURISDICTION.** An active member practicing within the territorial jurisdiction of one component  
487 society of this Association may be accepted for membership by another component society due to geographic  
488 convenience, spousal considerations, or retirement considerations only upon written agreement between the  
489 two societies concerned and notification of the Secretary-Treasurer of this Association within thirty (30) days of  
490 the acceptance by the new component society. A member whose request for transfer is denied shall be entitled  
491 to a hearing by the Council on Ethics and Judicial Affairs and, if applicable, may appeal the Council's decision to  
492 the Board.

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495

## CHAPTER III

## TERRITORIAL DIVISION

- 496
- 497 **Section 10. ORGANIZATION.** The membership shall be divided into four (4) territorial divisions.
- 498 **Section 20. PURPOSE.** The purpose of establishing Territorial Divisions is for the equitable distribution of
- 499 responsibility in the elected officers and for equitable representation in this Association.
- 500 **Section 30. COMPOSITION.**
- 501 The Divisions are to be known as the Northeast, Southeast, Southwest, Northwest, each Division composed of
- 502 the following Districts and each District composed of its respective counties.
- 503 A. Northeast Division
- 504 District 1- Bowie, Cass, Delta, Franklin, Hopkins, Lamar, Morris, Red River and Titus Counties.
- 505 District 3- Angelina, Camp, Cherokee, Gregg, Harrison, Marion, Nacogdoches, Panola, Rusk, Sabine, San
- 506 Augustine, Shelby, Smith, Upshur, Van Zandt, and Wood Counties.
- 507 District 4- Collin, Cooke, Denton, Fannin, Grayson, Hunt, Kaufman and Rains, and Rockwall Counties
- 508 District 5- Dallas County.
- 509 District 6- Anderson, Ellis, Freestone, Henderson, Hill, Leon, Limestone and Navarro Counties.
- 510 District 11- Bell, Bosque, Coryell, Falls, McLennan and Milam Counties.
- 511 B. Southeast Division
- 512 District 2- Hardin, Jasper, Jefferson, Newton, Orange, Polk, San Jacinto and Tyler Counties.
- 513 District 7- Austin, Brazos Burleson, Grimes, Houston, Madison, Montgomery, Robertson, Trinity, Walker,
- 514 Waller and Washington Counties.
- 515 District 8- Fort Bend, Harris, Liberty and Wharton Counties.
- 516 District 9- Brazoria, Chambers, Galveston and Matagorda Counties.
- 517 District 10- Bastrop, Lee, Travis and Williamson Counties.
- 518 C. Southwest Division
- 519 District 14- Aransas, Caldwell, Calhoun, Colorado, De Witt, Fayette, Goliad, Gonzales, Jackson, Karnes, Lavaca,
- 520 Live Oak, Refugio and Victoria Counties.
- 521 District 15A- Bee, Duval, Kleberg, McMullen, Nueces, San Patricio and Jim Wells Counties.
- 522 District 15B- Brooks, Cameron, Hidalgo, Jim Hogg, Kennedy, Starr, Willacy and Zapata Counties.
- 523 District 16- Brewster, Culbertson, El Paso, Hudspeth, Jeff Davis, Presidio and Terrell Counties.
- 524 District 20- Atascosa, Bandera, Bexar, Edwards, Frio, Kendall, Kinney, Maverick, Medina, Real, Uvalde, Val
- 525 Verde, Wilson and Zavala Counties.
- 526 District 21A- Coke, Coleman, Crockett, Glasscock, Irion, Reagan, Runnels, Schleicher, Sterling, Sutton and Tom
- 527 Green Counties.
- 528 District 21B- Blanco, Brown, Burnet, Concho, Gillespie, Kerr, Kimble, Lampasas, Llano, Mason, McColloch,
- 529 Menard, Mills and San Saba Counties.
- 530 District 21C- Andrews, Crane, Dawson, Ector, Gaines, Howard, Loving, Martin, Midland, Pecos, Reeves,
- 531 Upton, Ward and Winkler Counties.
- 532 District 23- Dimmit, La Salle and Webb Counties.
- 533 District 24- Caldwell, Comal, Guadalupe and Hays Counties.
- 534 D. Northwest Division
- 535 District 12- Erath, Hood, Johnson, Palo Pinto, Parker, Somervell, Tarrant and Wise Counties.
- 536 District 13- Archer, Baylor, Clay, Foard, Hardeman, Jack, Knox, Montague, Throckmorton, Wichita, Wilbarger
- 537 and Young Counties.
- 538 District 17- Callahan, Commanche, Eastland, Fisher, Hamilton, Haskell, Jones, Mitchell, Nolan, Scurry,
- 539 Shackelford, Stephens and Taylor Counties.
- 540 District 18- Armstrong, Brisco, Carson, Castro, Childress, Collingsworth, Cottle, Dallam, Deaf Smith, Donley,
- 541 Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer,
- 542 Potter, Randall, Roberts, Sherman, Swisher and Wheeler Counties.
- 543 District 19- Bailey, Borden, Cochran, Crosby, Dickens, Floyd, Garza, Hale, Hockley, Kent, King, Lamb, Lubbock,
- 544 Lynn, Stonewall, Terry and Yoakum Counties.
- 545 **Section 40. DIVISION CAUCUS.** Each Division shall hold one caucus annually of

546 its membership in accordance with the *Rules For Caucus Procedures, Nominations, And Elections* for the  
547 purpose of nominating candidates for election as officers, when applicable, and other representatives of and to  
548 this Association. The time and place of such caucus shall be publicized and shall be held at the same time and  
549 location for each Division during the annual session of this Association except as provided in Chapter VI, Section  
550 30, B of these *Bylaws*.

## 551 CHAPTER IV 552 HOUSE OF DELEGATES

553 **SECTION 10. COMPOSITION.** The House of Delegates shall be composed of the Board of Directors of the  
554 Association, the Speaker of the House of Delegates and the duly elected and installed delegates of each  
555 component society based upon the following formula as of December 31 of the preceding year. Each  
556 component society shall have one (1) delegate for every eighty (80), or fraction thereof, of the following:

557 **A.** Active and active life in good standing whose primary practices are located within the jurisdictional  
558 boundaries of the component society.  
559 **B.** Active members in good standing who have not established a primary practice but whose primary residences  
560 are located within the jurisdictional boundaries of the component society.

561 **C.** Retired members in good standing whose primary residences are within the jurisdictional boundaries of the  
562 component society.

563 Each dental school in Texas will be represented by one (1) student as a non-voting member of the House of  
564 Delegates, each of whom may have an alternate.

565 **SECTION 20. DELEGATES AND ALTERNATE DELEGATES.** The delegates shall be the official representatives of  
566 their component societies in the House of Delegates.

567 **A. TERM OF OFFICE.** Each component society shall determine the term of office of their delegate(s)

568 **B. DUTY OF ALTERNATE DELEGATES.** It is the duty of an alternate delegate to attend all meetings of the House  
569 of Delegates. He/she shall have the privilege of addressing the House, but no other privileges unless seated as a  
570 delegate

571 **C. APPOINTMENT OF DELEGATES.**

572 a. The president of a component society may designate one of the members of his/her society to act as a  
573 delegate in the absence of a delegate to represent that society.

574 b. If at any session of the House of Delegates a quorum is not present, the President of the Texas Dental  
575 Association shall appoint members in attendance, preferably from the respective component society, to fill the  
576 vacancies for that session or until the delegates or alternate delegates arrive to take their places.

577 **SECTION 30. POWERS AND DUTIES.**

578 **A. POWERS.** The House of Delegates shall be the supreme governing body of this Association. It shall possess  
579 all the legislative powers:

580 **a.** To determine the policies governing this Association and all its activities.

581 **b.** To enact, amend and repeal the *Constitution* and *Bylaws*.

582 **c.** To adopt and amend the *Principles of Ethics* and Code of Professional Conduct for governing the professional  
583 conduct of the members.

584 **d.** To grant, amend, suspend or revoke approval of component societies. It shall also have the power by a two-  
585 thirds (2/3) majority to suspend the representation of a component society in the House of Delegates upon a  
586 determination by the House that the bylaws of the component violate the *Constitution* and *Bylaws* of this  
587 Association, providing, however, such suspension shall not be in effect until the House of Delegates has voted  
588 that the component society is in violation and has one year after notification of the specific violation in which to  
589 correct its constitution and bylaws.

590 **e.** To elect honorary members.

591 **f.** To create special committees of the Association.

592 **g.** To approve all memorials, resolutions or opinions issued in the name of the Association.

593 **B. DUTIES.** It shall be the duty of the House of Delegates:

- 594 a. To elect the President-elect and Directors of the Association from candidates nominated in the annual caucus  
595 meetings of the four (4) Divisions of the Association, except as provided in Chapter VI, Section 30A of these  
596 *Bylaws*.  
597 b. To elect the Secretary-Treasurer, the Speaker of the House of Delegates, and the Editor.  
598 c. To elect members and chairmen of councils and committees of the Association, except as provided in these  
599 *Bylaws*.  
600 d. To elect delegates and alternate delegates to the American Dental Association from candidates nominated in  
601 the annual caucus meetings of the four (4) Divisions of the Association.  
602 e. To receive and act upon reports of councils and committees of the Association.  
603 f. To adopt an annual budget for the operation of the Association  
604 g. To serve as the Court of Last Appeal in this Constituent Society in disputes not otherwise provided for in these  
605 *Bylaws*.  
606 h. To act upon all petitions of recall.

607 **SECTION 40. TRANSFER OF POWERS OF THE HOUSE OF DELEGATES.**

608 Except as provided for in Chapter XVI of these *Bylaws*, the House of Delegates shall transfer its power to the  
609 Board of Directors when the House is not in session, and when action is essential in the management of the  
610 Association, provided, however, that all such actions must be presented to the House at the next session for  
611 review.

612 **SECTION 50. ANNUAL SESSION.** The House of Delegates shall meet at the time and place of the Annual Session of  
613 the Association.

614 **SECTION 60. SPECIAL SESSION.** A special session of the House of Delegates may be called by the President at a  
615 time and place agreed upon by the Board of Directors. The business of a special session shall be limited to that  
616 stated in the official call except by a two-thirds (2/3) consent  
617 of the delegates present and voting.

618 **SECTION 70. NOTICE AND PUBLICATION.**

619 **A. OFFICIAL CALL.**

620 a. **Annual Session.** The Secretary-Treasurer of the Association shall cause to be published in the *Texas Dental*  
621 *Journal* an official notice of the time and place of each annual session, and shall send to each member of the  
622 House of Delegates an official notice of the time and place of the annual session at least thirty (30) days before  
623 the opening of such session.

624 b. **Special Session.** The Secretary-Treasurer of the Association shall send an official notice of the time and place  
625 of each special session and a statement of the business to be considered to every officially certified delegate  
626 and alternate delegate of the House, not less than fifteen (15) days before the opening of such session.

627 **B. PUBLICATION OF ACTIONS.** The official transcription of the actions of the House of Delegates provided by  
628 the Secretary shall be distributed to members of the subsequent House of Delegates for approval and shall be  
629 available without cost to members upon request. A permanent, bound copy of these minutes shall become a  
630 part of the permanent records of the Association.

631 **C. PUBLICATION OF ASSOCIATION POLICY.** The official policy of the Association shall be published and a  
632 continuing record kept together with the date of such action.

633 **SECTION 80. PRIVILEGES OF ADDRESSING THE HOUSE OF DELEGATES.**

634 **A. PAST PRESIDENTS.** Past Presidents of this Association shall have the privilege of addressing the House of  
635 Delegates but no other privileges unless they are duly elected delegates.

636 **B. COUNCIL AND COMMITTEE MEMBERS.** All members of councils and committees of this Association shall  
637 have the privilege of addressing the House of Delegates and of entering in debate on their respective reports  
638 only but shall have no other privileges unless they are duly elected delegates.

639 **C. STUDENT MEMBERS.** Student members shall have the privilege of addressing the House of Delegates but  
640 may not present resolutions or vote.

641 **D. OTHERS.** Others may address the House at the invitation of the Speaker and with the consent of the House.

642 **SECTION 90. QUORUM.** A majority of the total voting membership of the House of Delegates shall constitute a  
643 quorum.



644 **SECTION 100. OFFICERS.** The officers  
645 of the House shall be the Speaker and the Secretary of the House of Delegates both of  
646 whom shall be without vote. The Secretary-Treasurer of this Association shall serve as the Secretary of  
647 the House of Delegates . In absence of the Secretary, the Speaker shall appoint a  
648 Secretary of the House of Delegates *pro-tem*.

649 **SECTION 110. DUTIES.**

650 **A. SPEAKER.** The duties of the Speaker shall be:

- 651 a. To serve as an ex-officio member of the Board of Directors without vote or the privilege of proposing
- 652 resolutions.
- 653 b. To serve as an ex-officio member of the Executive Committee without vote or the privilege of proposing
- 654 resolutions.
- 655 c. To preside at all meetings of the House of Delegates.
- 656 d. To determine the order of business for all meetings, subject to the approval of the House of Delegates, in
- 657 accordance with Section 140B of this Chapter.
- 658 e. To appoint tellers to assist him/her in determining the result of any action taken by vote.
- 659 f. To appoint members of reference committees in consultation with the President, President-elect and the
- 660 Past-president by the first Board of Directors meeting of the calendar year.
- 661 g. To notify the divisional officers and the Committee on Credentials, Rules and Order, prior to the annual
- 662 session, the number of delegates and alternates necessary to constitute a quorum.
- 663 h. To meet with the divisional officers prior to the meeting of the divisional caucuses at the annual session to
- 664 review the Rules For Caucus Procedures, Nominations, And Elections.
- 665 i. To appoint a parliamentarian *pro tem*, should it become necessary for the parliamentarian to be absent
- 666 during a session of the House of Delegates.
- 667 j. To serve as presiding officer of the TDA Candidates Forum, unless the Speaker is in a contested race, at
- 668 which time the Speaker *Pro-tem* will preside.

669 **B. SECRETARY.** The Secretary of the House of Delegates shall serve as the recording officer of the House and  
670 the custodian of its records, and shall cause a record of the proceedings of the House to be published as the  
671 Minutes of the House.

672 **SECTION 120. RESOLUTIONS.**

673 **A. RESOLUTIONS.** All resolutions from any official source other than reference committees and delegates at the  
674 opening meeting of any session of the House of Delegates shall be transmitted to the House of Delegates in  
675 their original form and language along with Board actions and accompanied by any Board substitute resolutions  
676 or amendments. Resolutions received from councils, committees or component societies shall be forwarded to  
677 the Board of Directors for consideration and mandatory action. A vote to “transmit only” is considered a Board  
678 Action. Resolutions received after the Board’s final meeting before an Annual Session shall carry an attached  
679 notation stating that no Board action was taken because of time constraints. All actions of the Board shall be  
680 transmitted to the House of Delegates for review.

681 **SECTION 130. ORDER OF BUSINESS.** The order of business shall be that order of business adopted by the House  
682 of Delegates in conformity with Section 110A and Section 150 of this Chapter; except that a proposed  
683 amendment of these *Bylaws* effecting a change in the dues of active members shall be considered immediately  
684 after the conclusion of the Reference Committee reports. The annual budget shall be considered for adoption  
685 immediately after any such bylaws amendment has been disposed of. If no amendment to these *Bylaws*  
686 affecting the dues of active members has been proposed, the annual budget shall be considered for adoption  
687 immediately after the conclusion of the Reference Committee reports.

688 **SECTION 140. RULES OF ORDER.**

689 **A. STANDING RULES AND REPORTS.**

690 **a. Reports.** All reports of elective officers, councils and committees, except supplemental reports, shall be sent  
691 to each delegate and alternate delegate at least thirty (30) days in advance of the opening of the annual session.  
692 All supplemental reports shall be distributed to each delegate before such report is considered by the House of  
693 Delegates.

694 **b. Appropriations .** No business requiring the expenditure of funds not provided for in the budget may be acted  
695 upon without first being referred to the Budget Committee for review as to the availability of funds with a  
696 recommendation to the Board of Directors for any approval, and this policy shall be a standing rule of the House  
697 of Delegates.

698 **c. Approval of Annual Budget.** The proposed annual budget shall be submitted by the Board of Directors to the  
699 members of the House of Delegates at least thirty (30) days prior to the opening of the annual session, shall be  
700 referred to a reference committee on budget for hearings at the annual session and shall be considered by the  
701 House of Delegates immediately after the disposition of any proposed amendment to these *Bylaws* affecting the  
702 dues of active members or if no such amendment has been proposed, immediately after the conclusion of the  
703 Reference Committee reports. In the event the budget as submitted is not approved, all recommendations for  
704 changes shall be referred to the Board of Directors to propose and present a revised budget. This procedure shall  
705 be repeated until a budget for the ensuing fiscal year shall be adopted.

706 **d. Introduction of New Business.** No new business shall be introduced after the first meeting of a session of the  
707 House of Delegates except by unanimous consent.

708 **e. Voting and Debate.** Majority vote shall mean a majority of the votes cast, except as provided otherwise in  
709 these *Bylaws*. Any action receiving a majority vote shall be approved except as provided for in Chapter I, Section  
710 70N, Chapter V, Section 50B, and Chapter VI, Section 70B, Chapter XV, Chapter XVI, and in subsection d above,  
711 and in the Constitution, Article IX. No member shall speak longer than ten (10) minutes until all present have an  
712 opportunity to be heard. A secret ballot may be called for by any member of the House of Delegates subject  
713 only to disapproval by majority vote of the House.

714 **B. ADDITIONAL RULES.** The rules contained in the current edition of the American Institute of Parliamentarians  
715 Standard code of Parliamentary Procedure shall govern the deliberations of the House of Delegates in all cases  
716 in which they are applicable and not in conflict with the standing rules or these *Bylaws*.

717 **SECTION 150. COMMITTEES.** The Committees of the House of Delegates shall be:

718 **A. COMMITTEE ON CONSTITUTION AND BYLAWS .**

719 **a. Composition.** The committee shall consist of the Chair of the Council on Constitution and Bylaws and such  
720 other members of the Council on Constitution and Bylaws as he/she deems necessary.

721 **b. Duties.** It shall be the duty of the Committee:

722 (1) To draft or approve the proposed text of all amendments to the *Constitution* and *Bylaws* prior to their  
723 submission to the House of Delegates for action.

724 (2) To consider other matters referred to it, to hold hearings thereon and to report its findings and  
725 recommendations to the House of Delegates.

726 **B. COMMITTEE ON CREDENTIALS, RULES AND ORDER.**

727 **a. Composition.** The Committee shall consist of the four (4) Senior Directors of the Association.

728 **b. Duties.** It shall be the duty of the Committee:

729 (1) To record and report the roll call of the House of Delegates at each meeting.

730 (2) To record and report the vote whenever a division of the House of Delegates is called for.

731 (3) To prepare a report, in consultation with the Speaker and Secretary of the House of Delegates, on matters  
732 relating to the order of business and special rules of order.

733 (4) To consider all matters referred to it and report its recommendations to the House of Delegates.

734 **C. REFERENCE COMMITTEES.**

735 **a. Qualifications.** A member of a reference committee shall be an official delegate or alternate-delegate.

736 **b. Composition.** A Reference Committee shall be composed of at least four (4) members. Three members must  
737 be delegates. An alternate-delegate shall not serve as chair.

738 **c. Appointment.** Members of a reference committee shall be appointed by the Speaker of the House of  
739 Delegates in accordance with Section 110 of this Chapter.

740 **d. Duties.** It shall be the duty of a reference committee to consider reports referred to it, to conduct open  
741 hearings and to report its recommendations to the House of Delegates.

742 **D. MINUTES REVIEW AND APPROVAL COMMITTEE.**

743 **a. Composition.** The Committee will consist of Secretary-Treasurer as Committee Chair, Speaker of the House  
744 of Delegates, the House of Delegates Standing Committee on Constitution and Bylaws Chair, and TDA Legal  
745 Counsel.

746 **b. Duties.** It shall be the duty of the Committee:

747 (1) To receive from the Executive Director's Office of the Texas Dental Association, the draft minutes of the  
748 House of Delegates meetings. These minutes will be delivered within 6 weeks of the close of the meetings.

749 (2) To review these minutes, submit corrections to these minutes to the Secretary-Treasurer, and to approve  
750 these minutes within 2 weeks of receipt of these minutes.

751 (3) These approved minutes will then be submitted by the Committee to the House of Delegates at their next  
752 meeting and will be subject to further correction and final approval by the House of Delegates.

753 **E. SPECIAL COMMITTEES.** The Speaker of the House of Delegates, when the need shall arise while the House is in  
754 session, shall appoint special committees to perform duties not otherwise assigned by these *Bylaws*, to serve until  
755 adjournment *sine die* of the session at which they were appointed.

756 **SECTION 160. ELECTION PROCEDURES.** The election of officers of this Association and the delegates and  
757 alternate delegates to the American Dental Association shall be held in the final meeting of the House of  
758 Delegates at each annual session of this Association. Election shall be by ballot governed by the rule that the  
759 majority elects, except when there is only one candidate for an office, such candidate may be declared elected by  
760 the presiding officer. When there are several nominees for an office and no candidate receives the required  
761 majority vote, the candidate receiving the lowest vote shall be dropped from the list of candidates after each  
762 successive vote until one candidate receives the required majority vote.

## 763 **CHAPTER V**

### 764 **BOARD OF DIRECTORS**

765 **SECTION 10. COMPOSITION.** The Board of Directors shall consist of the President, the President-elect, the Past-  
766 president, the four (4) Vice-presidents, four (4) Senior Directors, and four (4) Directors. The Secretary-Treasurer  
767 shall be an ex-officio member of the Board of Directors and shall act without vote as Secretary for the Board. The  
768 Speaker of the House of Delegates shall be an *ex officio* member of the Board of Directors without vote or the  
769 privilege of proposing resolutions.

770 **SECTION 20. QUALIFICATIONS.** A member of the Board of Directors of this Association must be an active, life or  
771 retired member in good standing and not under active discipline of one of the component societies which compose  
772 the Territorial Division that nominated him or her. The eligibility requirements for the President-elect nominated at  
773 large are provided for in Chapter VI, Section 10 of these Bylaws. Should the status of any member change in regard  
774 to the preceding qualifications during his/her term of office, that office shall be declared vacant by the President or  
775 the Board of Directors, and such vacancy shall be filled as provided in Chapter VI, Section 70 of these Bylaws.

776 **SECTION 30. TERM OF OFFICE.** The term of office of the officers who are ex-officio members of the Board of  
777 Directors is provided in Chapter VI, Section 50 of these Bylaws, except that the Past-president shall automatically  
778 become a member of the Board of Directors following his/her term as President of this Association.

779 **SECTION 40. POWERS AND DUTIES.**

780 **A. POWERS.** The Board of Directors shall serve as the legal and business representative of this Association  
781 vested with the full power to conduct all business of the Association, subject to the laws of the State of Texas,  
782 the *Articles of Incorporation*, the *Constitution* and *Bylaws* and the mandates of the House of Delegates. It shall  
783 have the power:

784 **a.** To establish rules and regulations not inconsistent with these *Bylaws*, or the policies of this Association, to  
785 govern its organization and procedure.

786 **b.** To transact business in accordance with the laws of the State of Texas and by unanimous consent via mail  
787 ballot, including electronic mail; to authorize a council or committee to transact its business by mail ballot, if the  
788 Board considers the need to be justifiable; and to establish rules and procedures for itself and for councils and  
789 committees to cover the use of ballots circulated and returned by U.S. mail, overnight courier, facsimile  
790 transmission, electronic mail, or any other modality the board deems necessary.

791 **c.** To cause to be published in or to be omitted from, any publication of the Association, any article in whole or in  
792 part, except the editorials written or approved by the Editor.

- 793 d. To establish interim TDA policy when of a time sensitive nature and when the House of Delegates is not in  
794 session. Such interim policies shall prevail only until the next meeting of the House of Delegates.  
795 e. To appoint a member of the Board to act as liaison to each agency of this Association, as deemed necessary,  
796 such liaison shall be without the right to vote.  
797 f. To remove a council or committee member for cause in accordance with Section 130 of Chapter IX of these  
798 *Bylaws*.  
799 g. To appoint a Historian who shall collect equipment and items of historical value pertaining to dentistry in  
800 Texas and the Texas Dental Association and place same in museums approved by this Association. The Historian  
801 will prepare records concerning the history of this Association and shall keep same up to date.  
802 h. To establish dues for non-members on the recommendation of the Association's Council on Membership, in  
803 cooperation with marketing programs of the American Dental Association. Such power, when complying with  
804 the requirements of this section, shall not be considered in conflict with Chapter I Section 70 H LOSS OF  
805 MEMBERSHIP AND REINSTATEMENT subsection c.  
806 **B. DUTIES.** It shall be the duty of the Board of Directors:  
807 a. To monitor the management of the Association's property and to pay taxes.  
808 b. To suggest candidates for Secretary-Treasurer of this Association, the Speaker of the House of Delegates and  
809 the Editor of the Texas Dental Journal only when no candidate has been received by the first quarter of the  
810 calendar year meeting of the Board of Directors.  
811 c. To employ or discharge an Executive Director, to establish his/her salary, and define his/her duties.  
812 d. To establish all stipends.  
813 e. To nominate candidates for honorary membership for election by the House of Delegates.  
814 f. To determine the date and place of the annual sessions of the Association at least four (4) years in advance  
815 and provide for the management and general arrangements for each annual session consistent with Chapter IX,  
816 Section 140B of these *Bylaws*.  
817 g. To be custodian of the bonds of all bonded employees.  
818 h. To employ necessary legal services for the Association.  
819 i. To act as Relief Committee for the Association.  
820 j. To have audited by a reputable Certified Public Accountant licensed in Texas all accounts and records of the  
821 Association for each fiscal year and present the findings of said audit to the House of Delegates at each annual  
822 session.  
823 k. To submit to the House of Delegates at the opening meeting of each annual session nominations for councils  
824 and committees of the Association, except as otherwise provided in these *Bylaws*.  
825 l. To review the annual reports and/or meeting minutes of all councils and committees of the Association and  
826 present recommendations from such reports to the House of Delegates.  
827 m. To submit an annual report to the House of Delegates of its activities.  
828 n. To perform such other duties as are prescribed by these *Bylaws*.  
829 o. To consider and make recommendations on all petitions of recall and refer these petitions to the House of  
830 Delegates of this Association.  
831 p. To cause to be prepared a budget for submission to the House of Delegates.  
832 **SECTION 50. MEETINGS.**  
833 **A. REGULAR MEETINGS.** Each session of the Board shall consist of six (6) regular meetings each year and any  
834 special called meetings.  
835 a. One immediately after the close of the annual session of the House of Delegates.  
836 b. One during the second (2nd) quarter of the calendar year.  
837 c. One during the third (3rd) quarter of the calendar year.  
838 d. One during the fourth (4th) quarter of the calendar year.  
839 e. One during the first (1st) quarter of the following calendar year.  
840 f. One in the second (2<sup>nd</sup>) quarter of the following calendar year, but prior to the annual session of the House of  
841 Delegates.

842 **B. SPECIAL MEETINGS.** The Board of Directors shall meet at the call of the President or upon the call of any five (5)  
843 members of the Board, providing that due notice is given to each Board member ten (10) days in advance of the  
844 meeting time, with statement of the business to be considered. Only business pertaining to the call may be  
845 considered except by approval by two-thirds of the voting members of the Board. With approval by two-thirds of  
846 the voting members of the Board, the preceding ten (10) day notice in advance of the meeting time may be  
847 waived.

848 **SECTION 60. QUORUM.** Two-thirds (2/3 (10)) of the voting members of the Board of Directors shall constitute  
849 a quorum for the transaction of business.

850 **SECTION 70. COMMITTEES.** The Board of Directors may have such standing committees as it deems necessary  
851 to conduct the business of the Association. Such standing committees shall include:

852 **A. EXECUTIVE COMMITTEE.**

853 **a. Composition.** The Executive Committee of the Board of Directors shall be composed of the President, the  
854 President-elect, the four Vice-Presidents, the Past-president and the Speaker of the House of Delegates who  
855 shall be without vote or the privilege of proposing resolutions. The Secretary-Treasurer of this Association shall  
856 be the Secretary of the Executive Committee without vote.

857 **b. Duties.** The Committee shall meet at its discretion to handle interim business between Board meetings. The  
858 Executive Committee shall report its actions to each subsequent regular meeting of the Board of Directors, and  
859 such actions shall be reviewed by the Board of Directors.

860 **B. BUDGET COMMITTEE.**

861 **a. Composition.** The Budget Committee shall be composed of the President, the President-elect, the Past-  
862 president, the four (4) Senior Directors, two (2) Directors and the Secretary-Treasurer. The Secretary-Treasurer  
863 shall serve as chair without vote. The two (2) Directors shall be appointed by the President.

864 **b. Duties.** The committee shall prepare a budget for each succeeding year. Upon approval of the budget by the  
865 Board of Directors, to the budget shall be presented to the House of Delegates for adoption in accordance with  
866 Chapter IV, Section 140, A., c. of the *Bylaws*. The Committee shall also assist the House of Delegates if it  
867 considers business requiring funds that are not provided in the budget as provided in Chapter IV, Section 140,  
868 and b.

869 **C. INTERNAL AFFAIRS COMMITTEE.**

870 **a. Composition.** The committee shall be composed of the President-elect and the Past President. The President  
871 shall act in an advisory capacity to the committee. The chairman shall be elected by the committee members.

872 **b. Duties.** It shall be the duty of the committee to study matters relating to the internal affairs of this Association,  
873 including but not limited to the working relationships of the appointed and elected officials and volunteers of the  
874 organization.

875 **c. Reports.** Due to the sensitive and confidential nature of this committee's work, contents of reports to the  
876 Board of Directors will be at the committee's discretion.

877 **SECTION 80. OFFICERS.**

878 **A. PRESIDENT.** The President of the Association shall serve as Chair of the Board of Directors and shall preside at  
879 all meetings.

880 **B. SECRETARY.** The Secretary-Treasurer of the Association shall serve as recording officer of the Board of  
881 Directors and as custodian of its records. He/she shall cause a factual record of the proceedings to be published  
882 as the official transactions of the Board.

883 **C. ABSENCE.** In the absence of the President, the office of Chair shall be filled by the President-elect or by the  
884 Past-president in that order, and in their absence, a voting member of the Board shall be elected Chair pro-tem.  
885 In the absence of the Secretary, the Chair shall appoint a Secretary pro-tem.

886 **SECTION 90. LIMITED TO ONE ELECTED OFFICE.** No elected member of the Board of Directors shall hold more  
887 than one elected office on the Board of Directors of this Association simultaneously.

888  
889

**CHAPTER VI**  
**ELECTIVE OFFICERS**

890 **SECTION 10. TITLE.** The elective officers of this Association shall be the President, the President-elect, the Past-  
891 president, four (4) Vice-presidents, four (4) Senior Directors, four (4) Directors, Secretary-Treasurer, Speaker of  
892 the House of Delegates, and Editor, as provided in Article V. of the Constitution.

893 **SECTION 20. ELIGIBILITY.** Only an active, life or retired member, in good standing and not under active  
894 discipline, of this Association shall be eligible as an elective officer.

895 **SECTION 30. NOMINATIONS.** Candidates for office shall be nominated, where applicable, from each Division by  
896 the membership of that Division in caucus during an annual session of this Association.

897 **A. PRESIDENT-ELECT.** The President-elect shall be nominated in turn clockwise from and by the members of  
898 each of the four Divisions - Southeast, Southwest, Northwest and Northeast. Every third year the President-  
899 elect shall be nominated on a statewide basis. The divisional rotation of the President-elect will continue in the  
900 intervening years.

901 **B. DIRECTORS.** Each of the four (4) Divisions shall nominate one of its members for a term of three (3) years on  
902 the Board of Directors, which members, if elected, shall serve the first year of such term as Director, the second  
903 year as Senior Director and the third year as Vice-president, from such Division.

904 **C. SECRETARY-TREASURER, SPEAKER OF THE HOUSE OF DELEGATES AND EDITOR.** The Secretary-Treasurer,  
905 the Speaker of the House of Delegates and the Editor shall be nominated by the Board of Directors only when  
906 no nominee has been received by the winter meeting of the Board of Directors.

907 **D. ADDITIONAL NOMINATIONS.** Additional nominations may be made by the House for any elective office of this  
908 Association provided that any divisional nominees shall have been previously nominated in caucus.

909 **E.** In the event that the divisional nominee for a particular office be declared ineligible, that the Speaker of the  
910 House of Delegates shall direct the divisional caucus to reconvene to select a new nominee.

911 **SECTION 40. ELECTIONS.** The elective officers shall be elected in accordance with Chapter IV, Section 150 of these  
912 *Bylaws.*

913 **SECTION 50. TERM OF OFFICE.** The elective officers shall serve for a term of one (1) year unless otherwise provided  
914 in these bylaws.

915 **SECTION 60. INSTALLATION.** The installation of officers shall be held during the closing meeting of the House of  
916 Delegates at such time as determined by the Speaker and conducted by the retiring President or Past-President. The  
917 term of new officers begins at the adjournment of the House of Delegates.

918  
919 **SECTION 70. VACANCIES OF ELECTIVE OFFICE.**

920 **A. PRESIDENT.**

921 a. In the event the office of President becomes vacant in the first six months of the term, the President-elect  
922 shall immediately succeed to the office of President for the remainder of the vacant term and shall become the  
923 Past-president at the end of said term.

924 b. In the event that the office of President becomes vacant in the last six months of the term, the President-  
925 elect shall immediately succeed to the office of President for the remainder of the vacant term and remain as  
926 President for the following year.

927 c. In the event that the office of President becomes vacant for a second time during a single term, the Past  
928 President shall become President for the remainder of the term which shall create a vacancy in the office of Past  
929 President.

930 d. In the event that the office of President becomes vacant and the office of President-elect is also vacant, the  
931 Past President shall become President for the remainder of the term which shall create a vacancy in the office of  
932 Past President.

933 **B. PRESIDENT-ELECT.**

934 a. In the event that the office of President-elect becomes vacant, the Board of Directors shall appoint an interim  
935 President-elect who shall serve until the next annual session.

936 b. If the office of President-elect becomes vacant by reason other than the President-elect succeeding to the  
937 office of President due to a vacancy in that office, the division from which the President-elect who vacated the  
938 office comes shall nominate a candidate for President for the ensuing year. If the President-elect who vacated  
939 the office was elected by statewide election, the nomination shall come from the floor of the House of

940 Delegates at the first meeting of the Annual Session. The nomination and subsequent election of said  
941 candidates shall be in accordance with the *Manual on Caucus Procedures, Campaigns, Nominations and*  
942 *Elections*.

943 c. If the office of President-elect becomes vacant by reason of the President-elect succeeding to the office of  
944 President due to a vacancy in that office during the first six months of the term, the next entity (division or  
945 statewide at-large) in the rotational schedule prescribed in Chapter VI, Section 30, Subsection A of these bylaws  
946 shall nominate a candidate for President for the ensuing year. Divisional candidates shall be nominated in  
947 caucus and statewide at-large candidates shall be nominated from the floor of the House of Delegates at the  
948 first meeting of the Annual Session. The next subsequent entity as per Chapter VI, Section 30, Subsection A shall  
949 nominate a candidate for President-elect for the ensuing year after which the rotation will continue normally.  
950 The nomination and subsequent election of said candidates shall be in accordance with the *Manual on Caucus*  
951 *Procedures, Campaigns, Nominations and Elections*.

952 d. If the office of President-elect becomes vacant by reason of the President-elect succeeding to the office of  
953 President due to a vacancy in that office in the last six months of the term, the next entity (division or statewide  
954 at-large) in the rotational schedule prescribed in Chapter VI, Section 30, Subsection A of these bylaws shall  
955 nominate a candidate for President-elect for the ensuing year. The nomination and subsequent election of said  
956 candidates shall be in accordance with the *Manual on Caucus Procedures, Campaigns, Nominations and*  
957 *Elections*.

958 **C. PAST PRESIDENT.** In the event that the office of Past President becomes vacant, the Board of Directors shall  
959 determine the manner by which the vacant office shall be filled.

960 **D. VICE PRESIDENT.** In the event that the office of Vice-president becomes vacant, the Board of Directors shall  
961 appoint a successor from the Division of the Vice-president who vacated the office who shall serve the  
962 remainder of the unexpired term.

963 **E. SENIOR DIRECTOR.** In the event that the office of Senior Director becomes vacant, the Board of Directors  
964 shall appoint an interim Senior Director from the division of the Senior Director who vacated the office to serve  
965 until the next Annual Session where the same said division shall nominate and elect a candidate who shall serve  
966 a one-year term as Vice President from said division in accordance with the *Manual on Caucus Procedures,*  
967 *Campaigns, Nominations and Elections*.

968 **F. DIRECTOR.** In the event that the office of Director becomes vacant, the Board of Directors shall appoint an  
969 interim director from the division of the director who vacated the office to serve until the next Annual Session  
970 where the same said division shall nominate and elect a successor to a two-year term in accordance with the  
971 *Manual on Caucus Procedures, Campaigns, Nominations and Elections*. The first year of the term shall be served  
972 as Senior Director from that division. At the completion of the first year of the term, the Senior Director will  
973 succeed to the office of Vice President from that division.

974 **G. SPEAKER OF THE HOUSE, SECRETARY-TREASURER, EDITOR.** In the event of a vacancy in the office of  
975 Speaker of the House, Secretary-Treasurer, or Editor, the Board of Directors shall appoint a successor to serve  
976 the remainder of the unexpired term. The House of Delegates shall elect a successor at the next Annual Session  
977 in accordance with these bylaws and the *Manual on Caucus Procedures, Campaigns, Nominations and Elections*.

978 **H. UNFORSEEN CIRCUMSTANCE.** In the event that a vacancy occurs in a manner not addressed by this section,  
979 the Board of Directors shall determine the manner in which the vacancy may be filled, such appointment to  
980 prevail only until the next Annual Session.

981 **I. TEMPORARY INCAPACITY OF THE PRESIDENT.** Whenever the President notifies the Board of Directors that  
982 he/she is unable to discharge the duties of the office of President due to temporary incapacity, the President-  
983 elect shall assume the duties of the office of President, as Acting President, until the President notifies the Board  
984 of Directors that he/she is prepared to resume the duties of the office of President. Whenever the voting  
985 members of the Board of Directors of this Association determine by a two-thirds majority vote that the  
986 President is unable to discharge the duties of his/her office due to temporary incapacity, the President-elect  
987 shall assume the duties of the office of President, as Acting President, until the President satisfies a two-thirds  
988 majority of voting members of the Board of Directors that he/she is prepared to resume the duties of the office  
989 of President.

990 **SECTION 80. RECALL.** Any elected officer of the Association may be recalled as provided in the *Procedures for*  
991 *Recall of Members of the Board of Directors and Elected Officers.*

992 **SECTION 90. DUTIES.**

993 **A. PRESIDENT.** It shall be the duty of the President:

994 a. To serve as official representative of this Association in its contacts with governmental, civic, business and  
995 professional organizations for the purpose of advancing the objects and policies of this Association.

996 b. To serve as an *ex-officio* member of the Board of Directors of the Association.

997 c. To be presiding officer of the Board of Directors of this Association.

998 d. To be the supervising authority of the Executive Director on behalf of the Board of Directors.

999 e. To annually appoint the Parliamentarian for the Association who shall serve as the Speaker Pro-tem of the  
1000 House of Delegates, should it become necessary for the Speaker to be absent.

1001 f. To call special sessions of the House of Delegates and Board of Directors as provided in Chapters IV and V of  
1002 these *Bylaws*.

1003 g. To appoint, with approval of the Board of Directors, the members of all committees and such others as may  
1004 be necessary to the work of the Association except as otherwise provided in these *Bylaws*.

1005 h. To submit an annual report to the House of Delegates at the first session concerning his/her activities during  
1006 the year and presenting such matters as should be brought to their attention, or may require their action.

1007 i. To conduct annually a Presidents-Presidents-elect conference for component presidents and presidents-elect.

1008 j. To perform such other duties as may be provided in these *Bylaws*.

1009 **B. PRESIDENT-ELECT.** It shall be the duty of the President-elect:

1010 a. To preside in the absence of the President.

1011 b. To assist the President as requested.

1012 c. To serve as an *ex-officio* member of the Board of Directors and the House of Delegates.

1013 d. To perform such other duties as may be provided in these *Bylaws*.

1014 e. To succeed to the office of President at the next annual session of the House of Delegates following his/her  
1015 election as President-elect.

1016 f. To serve on the Council of Legislative and Regulatory Affairs.

1017 g. To serve as Chair of the Committee of Component Society Presidents.

1018 **C. PAST-PRESIDENT.** It shall be the duty of the Past-president:

1019 a. To preside in the absence of the President and the President-elect.

1020 b. To assist the President as requested.

1021 c. To serve as an *ex-officio* member of the Board of Directors of the Association.

1022 d. To serve on the Executive Committee, Budget Committee, Personnel Committee, and Internal Affairs  
1023 Committee.

1024 e. To serve as Chair of the Personnel Committee.

1025 f. To serve on the Council of Legislative and Regulatory Affairs.

1026 g. To be responsible for all arrangements for hosting VIP's at the Annual Session in consultation with the 15th  
1027 District Trustee of the American Dental Association and the Executive Director of the Texas Dental Association.

1028 h. To perform such duties as may be provided in these *Bylaws*.

1029 **D. VICE-PRESIDENTS.** It shall be the duty of the Vice-presidents:

1030 a. To serve with equal rank as officers of this Association.

1031 b. To assist the President as requested.

1032 c. To serve as *ex-officio* members of the Board of Directors and of the House of Delegates.

1033 d. To have supervision of the professional welfare and interests of the membership in the Divisions they  
1034 represent.

1035 e. To visit each of the component societies in their Divisions.

1036 f. To perform such other duties as may be provided in these *Bylaws*.

1037 **E. SENIOR DIRECTORS.** It shall be the duty of the Senior Directors:

1038 a. To assist the President as requested.

1039 b. To serve as *ex-officio* members of the Board of Directors and of the House of Delegates.



- 1040 c. To serve at each session of the House of Delegates as a Committee on Credentials, Rules and Order.
- 1041 d. To perform such other duties as may be provided in these *Bylaws*.
- 1042 e. To succeed to the office of Vice-president of their Divisions at the close of the next annual session of the
- 1043 House of Delegates.
- 1044 f. To perform the Sunsetting Duties as provided for in Chapter IX, Section 130 of these *Bylaws*.
- 1045 **F. DIRECTORS.** It shall be the duty of the Directors:
- 1046 a. To assist the President as requested.
- 1047 b. To serve as *ex-officio* members of the Board of Directors and of the House of Delegates.
- 1048 c. To assist as each session of the House of Delegates as required or requested.
- 1049 d. To succeed to the office of Senior Director of his/ her Division at the close of the next annual session of the
- 1050 House of Delegates following his/her election as Director.
- 1051 e. To perform such other duties as may be provided in these *Bylaws*.
- 1052 **G. SECRETARY-TREASURER.** It shall be the duty of the Secretary-Treasurer:
- 1053 a. To serve as chair, without vote, of the Budget Committee.
- 1054 b. To examine the income and expenses of this Association and report at each meeting of the Board of
- 1055 Directors.
- 1056 c. To ensure that the minutes of the House of Delegates and the Board of Directors be maintained.
- 1057 d. To be responsible and perform such other duties as shall be specified by the Board of Directors and these
- 1058 *Bylaws*.
- 1059 **H. SPEAKER OF THE HOUSE OF DELEGATES.** The duties of the Speaker are enumerated in Chapter IV, House of
- 1060 Delegates, Section 110 of these *Bylaws*.
- 1061 **I. EDITOR.** It shall be the duty of the Editor:
- 1062 a. To be Editor-in-Chief of all journals and publications of the Association and exercise full editorial control over
- 1063 such publications, subject only to policies established by the House of Delegates, Board of Directors and these
- 1064 *Bylaws* and provided such content is not in conflict with or contrary to the TDA's established policies, legislative
- 1065 agenda or advocacy efforts.
- 1066 b. To control the selection of scientific material published in the Journal. The Editor may appoint associate
- 1067 editors, with the concurrence of the Board of Directors, to gather and/or review material for publication. Such
- 1068 associate editors shall serve as long as the Editor deems necessary; but never longer than the term of the Editor.
- 1069 c. To attend all open meetings of the Board of Directors and the House of Delegates of this Association, and the
- 1070 Annual Session of the American Dental Association.
- 1071 d. To hold no other elective office in this Association or the American Dental Association while serving as Editor,
- 1072 except the Editor may be elected as delegate or alternate delegate to the ADA House of Delegates from his/her
- 1073 respective Division.
- 1074 e. To cooperate with his/her successor upon termination of the Editor's term of office. Should the position of
- 1075 Editor become vacant *ad interim*, the Board of Directors shall appoint an Editor to act in the vacated position
- 1076 until such time as an Editor is nominated and elected in accordance with Chapter V, Sections 40B,b and Chapter
- 1077 IV, Sections 30B,b and 150 of these *Bylaws*.

## 1079 CHAPTER VII

### 1080 CONFLICTS OF INTEREST

1081 Any person who serves in an elective, appointed or employed office or position of this Association shall do so in

1082 a representative or fiduciary capacity which requires loyalty to the Association and shall avoid any conduct or

1083 association which might be construed as placing the individual in a position of having an interest which might

1084 conflict with his or her duties of this Association or the policies of this Association. The Board of Directors shall

1085 determine what constitutes compliance with the requirements of this Chapter.

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**CHAPTER VIII**  
**FIFTEENTH TRUSTEE DISTRICT AMERICAN DENTAL ASSOCIATION**  
**DELEGATES AND ALTERNATE DELEGATES**

**SECTION 10. COMPOSITION.**

**A. TRUSTEE.** The Trustee for the Fifteenth Trustee District of the American Dental Association shall be an active, life or retired member, in good standing and not under active discipline, of the Texas Dental Association, and shall be elected, serve a term of office and comply with appropriate provisions of the *Bylaws* of the American Dental Association.

**B. DELEGATES.** The delegates to represent this Association in the House of Delegates of the American Dental Association shall be the President, President-elect, and the Past-President and other delegates to complete the quota of delegates assigned to this Association by the American Dental Association. These other delegates shall be nominated by the divisional caucuses according to the following formula:

$$\begin{array}{c} \text{Number of Divisional Delegates} \\ \text{Number of ADA Delegates (minus three)} \\ \text{equals} \\ \text{Division Membership} \\ \text{TDA Membership} \end{array}$$

**C. ALTERNATE-DELEGATES.** There shall be two (2) less alternate-delegates than divisional delegates from each of the four (4) territorial divisions of the Association to the House of Delegates of the American Dental Association. There shall be no alternate-delegates for the positions held for the President-elect, the President and the Past President of the Association.

**SECTION 20. QUALIFICATIONS.** Only an active, life or retired member, in good standing, of this Association shall be eligible to serve as a delegate or alternate delegate to the American Dental Association.

**SECTION 30. NOMINATION.** Delegates and alternate delegates shall be nominated by and from the membership in each division, in the annual caucus of each division as provided in Chapter III, Section 40 of these *Bylaws*.

**SECTION 40. ELECTION.** Election of delegates and alternate delegates shall be by the House of Delegates of this Association in accordance with Chapter IV, Sections 30B,d and 150 of these *Bylaws*.

**SECTION 50. TERM OF OFFICE**

**A. DELEGATES.** Elected delegates shall serve a term of three (3) years, such term to commence the year following in which they are elected. A member may serve no more than four (4) terms consecutively as delegate excluding any term served by virtue of being President-elect of this Association.

**B. ALTERNATE-DELEGATES.** Alternate-delegates shall serve a term of two (2) years, such term to commence the year following the year in which they are elected.

**SECTION 60. DELEGATION CHAIR.**

**A. CHAIR.** The Chair of the Texas delegation to the House of Delegates of the American Dental Association shall be the current Trustee of the 15th Trustee District.

**B. DUTIES.** It shall be the duty of the chair:

**a.** To call and to preside at all meetings of the delegation. The delegation may establish such rules and regulations as needed, not inconsistent with these *Bylaws*, to govern its organization and procedure.

**b.** To keep a record of the attendance of delegates at each session of the House of Delegates of the American Dental Association and other called meetings of the delegation.

**c.** To call an alternate delegate to serve in the absence of a delegate. The alternate delegate called to fill a vacancy of a delegate shall be chosen from the list of alternate delegates from the division whose delegate is to be replaced, or in the absence of such alternate delegate, an appointment may be made from other alternate delegates.

**d.** To submit a report to the House of Delegates of this Association annually.

**e.** To serve as chair of the Resolution Committee.

1137 **SECTION 70. DELEGATION VICE-CHAIR.** The Vice-chair of the Texas delegation to the House of Delegates of the  
1138 American Dental Association shall be elected by the delegation (delegates and alternate delegates).

1139 **A. QUALIFICATIONS.** The Vice-chair, at the time of installation, must be a delegate who has been a delegate in  
1140 attendance in at least three (3) annual sessions of the House of Delegates of the American Dental Association.

1141 **B. TERM OF OFFICE.** The Vice-chair shall serve a term of one (1) year.

1142 **C. NOMINATION.** At a caucus of the delegation during the annual session of the American Dental Association,  
1143 the chair shall call for nominations, subject to provisions of paragraph A of this Section. Members eligible for  
1144 nomination as Vice-chair of the delegation must have at least one (1) year remaining in their term as a delegate  
1145 to the American Dental Association.

1146 **D. ELECTION.** After nominations are closed, the chair shall immediately hold an election. Should the election  
1147 result in an unresolved tie, the Vice-chair shall be chosen by the next House of Delegates of the Texas Dental  
1148 Association, as part of the annual election of officers.

1149 **E. INSTALLATION.** The chair shall install the Vice-chair as the last order of business of the last caucus of the  
1150 annual session of the American Dental Association during which the election took place.

1151 **F. VACANCY.** In the event the office of Vice-chair becomes vacant or the status of the Vice-chair changes in  
1152 regard to the preceding qualification, the office shall be declared vacant by the chair who shall call an election at  
1153 the next pre-caucus or caucus of the delegation and fill the vacancy in accordance with the provisions of these  
1154 *Bylaws* for the vacant portion of the term.

1155 **SECTION 80. DELEGATION SECRETARY.** The Secretary-Treasurer of the Association shall be the Secretary of the  
1156 Delegation.

1157 **SECTION 90. ADDITIONS AND REDUCTIONS IN QUOTA**

1158 **A. INCREASE IN QUOTA.** Any delegate(s) required to complete the delegation due to an increase in quota for  
1159 any given year shall be (1) elected or (2) appointed, but, in either case, in accordance with the formula in Section  
1160 10B of this Chapter. Appointments shall be made by the President in whose term the delegate(s) shall serve.

1161 **B. REDUCTION IN QUOTA.** Any reduction in the number of Delegates or Alternate Delegates necessary in  
1162 obtaining the quota for any given year to the American Dental Association House of Delegates will be effected:

1163 (1) By applying the formula in Section 10B of this Chapter above.

1164 (2) By excluding the President-elect, President and the Past-president, the most recently elected delegate in the  
1165 affected division shall be eliminated first, and if further reductions are required, the next most recently elected  
1166 delegate or delegates shall be eliminated in turn until the required quota is reached.

1167 (3) By eliminating one alternate delegate for each delegate eliminated as provided in (1) and (2) of this  
1168 subsection above.

1169 **C. ALTERNATE DELEGATES.** Any additional alternate delegates required to complete the quota of this Association  
1170 shall be (1) elected or (2) appointed by the President in accordance with the requirements for appointing a  
1171 delegate, such appointment to be listed following the last name on the elected list of alternate delegates.

1172 **CHAPTER IX**  
1173 **COUNCILS, COMMITTEES,**  
1174 **AND ORGANIZATIONS**

1175 **Section 10. NAME.**

1176 **A. COUNCILS.** The Councils of this Association shall be:

1177 **Council on Annual Session**

1178 **Council on Constitution and Bylaws**

1179 **Council on Dental Economics**

1180 **Council on Dental Education, Trade and Ancillaries**

1181 **Council on Ethics and Judicial Affairs**

1182 **Council on Legislative and Regulatory Affairs**

1183 **Council on Membership**

1184 **Council on Peer Review**

1185 **B. COMMITTEES.** There shall be such committees of this Association as provided for in these *Bylaws*.

1186 **SECTION 20. MEMBERS, NOMINATIONS AND ELECTIONS.**

1187 **A. COMPOSITION.** All councils and committees, except as otherwise provided for in these *Bylaws*, shall be  
1188 composed of four (4) members, striving for equal representation of the four (4) Divisions of this Association  
1189 where practicable.

1190 **B. NOMINATIONS.** Nominations for all Councils and Standing Committees of this Association shall be proposed  
1191 by the President-elect with the approval of the Board of Directors. The President-Elect in consultation with the  
1192 respective divisional officers shall submit such recommended nominations to the Board of Directors at the last  
1193 Board meeting prior to the Annual Session of the TDA House of Delegates. Additional nominations may be  
1194 made by the House of Delegates unless otherwise provided for in these *Bylaws*.

1195 **C. ELECTION.** One member of each council or committee shall be elected by the House of Delegates each year  
1196 in accordance with Chapter IV, Section 30Bc unless provided otherwise in these *Bylaws*.

1197 **SECTION 30. ELIGIBILITY.** All members of councils or committees must be active, life or retired members in  
1198 good standing and not under active discipline of this Association, except as otherwise provided for in Section  
1199 190 of this Chapter. Members of the Council on Peer Review and the Council on Ethics and Judicial Affairs must  
1200 have previous training and experience on the Component level.

1201 **SECTION 40. CHAIRMEN.** Except as otherwise provided for in these *Bylaws*, the chair of each council or  
1202 committee shall be nominated by the Board of Directors and shall be a voting member of the Council or  
1203 Committee.

1204 **SECTION 50. ADDITIONAL PERSONNEL.** When essential to the fulfillment of the program of a council or  
1205 committee, the chair may request the Board of Directors to authorize the appointment, by the President, of  
1206 additional council or committee personnel on the basis of technical qualifications and geographical advantages.  
1207 Such supplemental personnel shall be subject to the rules and regulations of the Association and, when  
1208 expenditures of funds to accomplish the specific duty assigned are involved, shall be eligible for reimbursement  
1209 according to the policy of the Association. The period of service of such supplemental personnel shall terminate  
1210 when the task assigned is completed, or as provided in Section 220 of this Chapter.

1211 **SECTION 60. EXECUTIVE SESSION.** A council or committee may call an executive session. The executive session  
1212 shall not exclude council members, Board Liaisons and consultants authorized by these *Bylaws*.

1213 **SECTION 70. TERM OF OFFICE.** The term of office of members of councils shall be four (4) years, except as  
1214 otherwise provided in these *Bylaws* and/or the manuals of the Association. The consecutive tenure of a  
1215 member of a council or committee shall be limited to two (2) full terms, except as otherwise provided for in  
1216 these *Bylaws*.

1217 **SECTION 80. VACANCY.** In the event of a vacancy in the membership of any council or committee, the  
1218 President shall appoint a member of the Association possessing the same qualifications as established by these  
1219 *Bylaws* for the previous member to fill such vacancy until a successor is elected by the next House of Delegates  
1220 for the remainder of the vacant term. In the event such vacancy involves the chair of the council or committee,  
1221 the President shall have the power to appoint an *ad interim* chair.

1222 **SECTION 90. TRANSACTION OF BUSINESS**

1223 **A. QUORUM.** A majority of the voting members of any council or committee shall constitute a quorum for the  
1224 transaction of business .

1225 **B. VOTE.** Councils may transact business in accordance with the laws of the State of Texas via mail ballot,  
1226 including (confidential / secure) electronic mail vote unless it is restricted by the Board’s established rules and  
1227 procedures on the use of ballots circulated and returned by U.S. mail, overnight courier, facsimile transmission,  
1228 electronic mail.

1229 **SECTION 100. PRIVILEGE OF THE FLOOR.** Chairmen and members of councils and committees who are not  
1230 members of the House of Delegates shall have the right to participate in the debate on their respective reports  
1231 but shall not have the right to vote.

1232 **SECTION 110. REPORTS.** Each council or committee shall submit a written report of each meeting, through the  
1233 Central Office, with action and recommendations to the Board of Directors. Each report shall be available at  
1234 least twenty (20) days prior to the meeting of the Board of Directors at which it will be considered. An annual  
1235 compilation of all council, committee and other reports will be submitted to the House of Delegates.

1236 **SECTION 120. PROPOSED BUDGET.** Each council or committee requesting funds of the Association shall file  
1237 such requests in writing with the Secretary-Treasurer, on or before January 1 preceding the fiscal year for which  
1238 the funds are to be used, for consideration of the Budget Committee in the preparation of the annual budget for  
1239 the succeeding year.

1240 **SECTION 130. REMOVAL FOR CAUSE.** The Board of Directors may remove a council or committee member for  
1241 cause in accordance with procedures established by the Board of Directors, which procedures shall provide for  
1242 notice of charges, including allegations of the conduct purported to constitute each violation and a decision in  
1243 writing which shall specify the facts which substantiate any and all of the charges.

1244 **SECTION 140. SUNSET REVIEW.**  
1245 Each council and committee shall be required to undergo a sunset review by the Senior Directors and the Board  
1246 Liaisons to the Councils that are being reviewed every four (4) years or whenever directed by the Board of  
1247 Directors.

1248 **SECTION 150. COUNCIL ON ANNUAL SESSION.**  
1249 **A. COMPOSITION.** The Council on Annual Session shall be composed of five (5) active, life or retired members,  
1250 and the most recent eligible past chair not currently serving on the council.  
1251 **B. DUTIES.** The Council shall be responsible for the general management of the Annual Session subject to  
1252 approval of the Board of Directors as provided in Chapter V, Section 40B, h of these *Bylaws*.

1253 **SECTION 160. COUNCIL ON CONSTITUTION AND BYLAWS.**  
1254 **A. COMPOSITION.** The Council on Constitution and Bylaws shall be composed of four (4) active, life or retired  
1255 members in good standing and not under active discipline.  
1256 **B. DUTIES.** The duties of the Council shall be:  
1257 **a.** To review the articles of the Constitution and Bylaws in order to keep them consistent with the Association's  
1258 program.  
1259 **b.** To consider proposals for amending the Governing Documents of the Texas Dental Association. Prior to the  
1260 first meeting of each new session of the House of Delegates, the Council shall review all resolutions proposing  
1261 amendments to the Governing Documents to ensure proper language and, if necessary, redraft the resolutions  
1262 to accomplish the intent of the maker in the form currently used by the House of Delegates.  
1263 **c.** The Council shall have the authority to make corrections in punctuation, grammar and spelling in the *Bylaws*  
1264 which do not alter its context or meaning.  
1265 **d.** To annually review the *Constitution and Bylaws* and all House of Delegates' actions of the American Dental  
1266 Association related to the *Constitution and Bylaws* of the Texas Dental Association and submit appropriate  
1267 recommendations.  
1268 **e.** To assist, upon request, component committees on constitution and bylaws by reviewing their constitutions,  
1269 bylaws and codes of ethics and recommending necessary corrections.  
1270 **f.** To act as the Standing Committee on Constitution and Bylaws during each annual session of the House of  
1271 Delegates. The composition and duties of the committee shall be in accordance with Chapter IV, Section 150A of  
1272 these *Bylaws*.  
1273 **g.** To annually review and update the manuals of this Association based upon the actions of the ADA and TDA  
1274 House of Delegates and the Board of Directors and to review and update the Manual of the TDA Board of  
1275 Directors in accordance with the actions of the Board of Directors.  
1276 **h.** To review the minutes of the TDA Board of Directors to ensure compliance and consistency of actions taken  
1277 with the Constitution and Bylaws, policies and rules of the Texas Dental Association.

1278 **SECTION 170. COUNCIL ON DENTAL ECONOMICS**  
1279 **A. COMPOSITION.** The Council on Dental Economics shall be composed of four (4) active, life, or retired  
1280 members.  
1281 **B. DUTIES.** The duties of the Council shall be:  
1282 **a.** To formulate and recommend policies relating to the planning, administration, and financing of private dental  
1283 benefit programs.  
1284 **b.** To study evaluate, and disseminate information on the planning, administration and financing of private  
1285 dental benefit programs.

- 1286 c. To encourage the inclusion of dental benefits in health benefit plans.
- 1287 d. To conduct activities and formulate and recommend policies concerning the assessment and improvement of
- 1288 the quality of dental care relating to private dental benefit plans.
- 1289 e. To recommend policies and formulate programs relating to community oral health, including oral health
- 1290 planning, preventive dentistry, fluoridation and nutrition issues.
- 1291 f. To maintain liaison with component societies, health agencies and special interest organizations on
- 1292 community oral health issues.
- 1293 g. To conduct activities to increase patient access to the benefits of cooperative dental-medical management in
- 1294 hospitals, ambulatory care facilities, long term care centers, nursing homes, hospice, home health and any other
- 1295 appropriate programs.
- 1296 h. To monitor and recommend policies relating to the issues of international competition as it relates to dental
- 1297 benefit plans and quality of dental care.
- 1298 **SECTION 180. COUNCIL ON DENTAL EDUCATION, TRADE AND ANCILLARIES.**
- 1299 **A. COMPOSITION.** The Council shall be composed of four (4) members in private practice with provision for
- 1300 three (3) consultants, one (1) from each of the schools of dentistry in Texas.
- 1301 **B. DUTIES.** The duties of the Council shall be:
- 1302 **a.** To encourage and develop satisfactory relations with the various organizations representing the dental trade
- 1303 industry and the dental laboratory industry.
- 1304 **b.** To formulate plans and programs for establishing and maintaining the greatest efficiency of the dental trade
- 1305 and laboratories in their relations with the dental profession.
- 1306 **c.** To consider studies and make recommendations on programs which will maintain for the dental profession the
- 1307 complete legal, as well as professional responsibility for providing prosthetic dental services to members of the
- 1308 public.
- 1309 **d.** To act as liaison between the Texas Dental Association and the dental assistants and dental hygienists.
- 1310 **e.** To act on behalf of this Association in maintaining effective liaison with the American Dental Association,
- 1311 schools of dentistry and state and federal agencies on matters relating to the education and distribution of
- 1312 dental manpower in Texas.
- 1313 **f.** To represent this Association in all matters relating to education, educational advancement and other areas of
- 1314 study relating to the art and science of dentistry.
- 1315 **g.** To develop and maintain statistical data on governmental regulations and other directives now in effect or
- 1316 proposed which would affect education and distribution of dental manpower.
- 1317 **h.** To maintain in the Central Office demographic information on areas of saturation and shortages of dental
- 1318 manpower in Texas.
- 1319 **i.** To promote to dental students and to dentists not yet in practice consideration of dental manpower shortages
- 1320 for the establishment of dental practices.
- 1321 **j.** To formulate and recommend policies relating to the principles of private practice.
- 1322 **k.** To promote methods of disseminating information in concert with recognized health agencies, e.g., American
- 1323 Heart Association and the American Cancer Society.
- 1324 **l.** To maintain a Placement Information Service.
- 1325 **m.** To study, evaluate and monitor the effects of Corporate Dental practices as it effects the delivery of patient
- 1326 care and the role of the employed dentist.
- 1327 **SECTION 190. COUNCIL ON LEGISLATIVE AND REGULATORY AFFAIRS.**
- 1328 **A. COMPOSITION.** The Council shall be composed of the President-elect, the Past-president, four (4) at-large
- 1329 members to serve unlimited one year terms striving for equal representation of the four (4) divisions of this
- 1330 Association where practicable in accordance with Chapter IX, Section 20A of the Bylaws, and two (2) non-voting
- 1331 members; one from the Alliance and the other the Chair of DENPAC.
- 1332 **B. DUTIES.** The duties of the Council shall be:
- 1333 **a.** To keep the membership informed on all bills presented to the legislature or other matters that in any way
- 1334 pertain to the dental health of the public or the practice of dentistry in the State of Texas, and to make
- 1335 appropriate recommendations thereon.

- 1336 b. To protect and further the interests of the public and dental profession in matters of legislation, regulations  
1337 and determinations by administrative agencies.  
1338 c. To maintain liaison with legislative agencies of allied professional groups.  
1339 d. To study and consider all matters relating to the Federal Dental Services and make suitable  
1340 recommendations to the Board of Directors for approval by the House of Delegates.  
1341 e. To establish procedures necessary to provide nominations to the Board of Directors for vacancies in  
1342 governmental offices.  
1343 f. To evaluate all potential nominee recommendations for governmental office and make recommendations to  
1344 the Board of Directors. The Board of Directors shall make final approval of the nominations. The President or  
1345 his/her appointed representative shall present the nominations to the Governor at an appropriate time  
1346 recommended by the TDA Lobbyist.

1347 **SECTION 200. COUNCIL ON MEMBERSHIP.**

1348 **A. COMPOSITION.** The Council on Membership shall be composed of four (4) active, life or retired members in  
1349 good standing and not under active discipline, and a consultant from a diverse background whose duty shall be  
1350 to advise the Council on diversity issues.

1351 **B. DUTIES.** The duties of the Council shall be:

- 1352 a. To identify and monitor trends and issues that affect membership recruitment and retention.  
1353 b. To develop and promote strategies and programs related to membership recruitment and retention.  
1354 c. To support membership activities of the ADA and Component Societies.  
1355 d. To coordinate its activities with other councils of the Association.  
1356 e. To conduct a training session (non-reimbursable by TDA) with all incoming component recruitment and  
1357 retention chairs or their representatives at the Association's Annual Session

1358 **SECTION 210. COUNCIL ON ETHICS AND JUDICIAL AFFAIRS.**

1359 **A. COMPOSITION.** The Council on Ethics and Judicial Affairs shall be composed of four (4) active, life or retired  
1360 members in good standing and not under active discipline.

1361 **B. TRAINING.** Each newly elected member to the Council must receive official TDA training before assuming  
1362 his/her duties.

1363 **C. DUTIES.** The duties of the Council shall be:

- 1364 a. To promote, through correspondence, workshops, and/or presentations, the maintenance of high ethical  
1365 standards in accordance with The *Principles of Ethics* and *Code of Professional Conduct* of the Texas Dental  
1366 Association and the American Dental Association.  
1367 b. To enforce the *Principles of Ethics* and *Code of Professional Conduct* of the Texas Dental Association and the  
1368 American Dental Association, on behalf of component dental societies and individual members.  
1369 c. To train component judicial committee chairmen and members in proper procedures to ensure that "fair  
1370 procedure" safeguards are provided to all members and applicants for membership.  
1371 d. To advise component judicial committees, with legal staff assistance, as to procedures and the legality of their  
1372 committee activities.  
1373 e. To act as a trial court for judicial hearings in accordance with the Texas Dental Association *Judicial Manual*,  
1374 the American Dental Association *Guidelines for Disciplinary Hearings*, and Chapter IX of these *Bylaws*.  
1375 f. To refer appropriate complaints and report disciplinary actions involving quality of care to the State Board of  
1376 Dental Examiners.  
1377 g. To consider no complaints concerning non-members of this Association, but to forward such information  
1378 directly to the State Board of Dental Examiners.  
1379 h. To advise an accused member of his/her right of appeal to the Council on Ethics, Bylaws and Judicial Affairs of  
1380 the American Dental Association.  
1381 i. To consider and make recommendations on all petitions of recall, which have been referred to the Council and  
1382 forward these petitions and recommendations to the Board of Directors of this Association.  
1383 j. To review, and when necessary make recommendations for changes to, the *TDA Principles of Ethics and Code*  
1384 *of Professional Conduct*.

1385 **SECTION 220. COUNCIL ON PEER REVIEW .**

- 1386 **A. COMPOSITION.** The Peer Review Council shall be composed of four (4) active, life or retired members in  
1387 good standing and not under active discipline.
- 1388 **B. TRAINING.** Each newly elected member to the Council must receive official TDA training before assuming  
1389 his/her duties.
- 1390 **C. DUTIES.** The duties of the Council shall be:
- 1391 **a.** To serve in an advisory capacity to component peer review committees.
- 1392 **b.** To perform such other duties as outlined in the *Peer Review Manual* as approved by the House of Delegates.
- 1393 **SECTION 230. SPECIAL COMMITTEES: APPOINTMENT AND TERM.** Special committees or taskforces of this  
1394 Association may be created by the House of Delegates when in session or, when the House is not in session, by  
1395 the President with the approval of the Board of Directors, for the purpose of performing duties not otherwise  
1396 assigned by these *Bylaws*. Such special committees may serve until completion of their assigned task or until  
1397 adjournment *sine die* of the next annual session of the House of Delegates, whichever comes first. The authority  
1398 for appointing the members of a special committee and their number shall be set forth in the resolution  
1399 creating such committee.

## 1401 **CHAPTER X. PRINCIPLES OF ETHICS AND CODE OF PROFESSIONAL CONDUCT,** 1402 **DISCIPLINE AND PROCEDURE**

- 1403 **SECTION 10. PROFESSIONAL CONDUCT OF MEMBERS.** The professional conduct of a member of this  
1404 Association shall be governed by the Principles of Ethics and Code of Professional Conduct of the American  
1405 Dental Association, this Association and by the codes of ethics of the component societies within whose  
1406 jurisdiction the member practices, or conducts or participates in other professional dental activities.
- 1407 **SECTION 20. DISCIPLINE OF MEMBERS.**
- 1408 **A. CONDUCT SUBJECT TO DISCIPLINE.** A member may be disciplined by this Association or by the member's  
1409 component society:
- 1410 (1) For having been found guilty of a felony. (2) For having been found guilty of violating the dental practice act  
1411 of the State of Texas. (3) For violating the *Bylaws*, the *Principles of Ethics and Code of Professional Conduct* of  
1412 this Association, the ADA, or the code of ethics of a component society.
- 1413 **B. INITIATION OF PROCEEDINGS.** Except as provided hereafter, disciplinary proceedings shall be initiated only  
1414 by the Council on Ethics and Judicial Affairs of this Association either upon its own initiative or upon request of  
1415 any component society. A component society shall refer disciplinary matters to the Council on Ethics and  
1416 Judicial Affairs with a request that said Council initiate disciplinary proceedings with respect thereto. In the  
1417 event that the Council on Ethics and Judicial Affairs declines to initiate the disciplinary proceedings so  
1418 requested, the Council shall promptly notify the referring component society of the Texas Dental Association  
1419 Council's decision and said component society may therefore at its discretion initiate disciplinary proceedings. In  
1420 such event, notwithstanding Chapter XIV of these *Bylaws*, the Texas Dental Association will not indemnify the  
1421 component society and the component society then assumes all liability for such actions. Before disciplinary  
1422 penalty is invoked against a member the following procedures shall be followed by the component society  
1423 preferring charges.
- 1424 **C. DISCIPLINARY PENALTIES.** A member may be placed under a sentence of censure or suspension or may be  
1425 expelled from membership for any of the offenses enumerated in Section 20A of this Chapter.
- 1426 **a. Censure.** Censure is a disciplinary sentence expressing in writing severe criticism or disapproval of a particular  
1427 type of conduct or act.
- 1428 **b. Suspension.** Suspension, subject to Chapter I, Section 30 of these *Bylaws*, means all membership privileges  
1429 except any contractual relations between the disciplined member and a third party are lost during the  
1430 suspension period. Suspension shall be unconditional and for a specified period at the termination of which full  
1431 membership privileges are automatically restored. A subsequent violation shall require a new disciplinary  
1432 procedure before additional discipline may be imposed.
- 1433 **c Expulsion.** Expulsion is an absolute discipline and may not be imposed conditionally except as otherwise  
1434 provided herein.



1435 **d. Probation.** Probation, to be imposed for a specified period and without loss of rights, may be  
1436 administratively and conditionally imposed when circumstances warrant in lieu of a suspended disciplinary  
1437 penalty. Probation shall be conditioned on good behavior. Additional reasonable conditions may be set forth in  
1438 the decision for the continuation of probation. In the  
1439 event that the conditions for probation are found by the society which preferred charges to have been violated,  
1440 after a hearing on the probation violation charges in accordance with this Section, the original disciplinary  
1441 penalty shall be automatically reinstated; except that when circumstances warrant the original disciplinary  
1442 penalty may be reduced to a lesser penalty. There shall be no right of appeal from a finding that the conditions  
1443 of probation have been violated.

1444 **D. PROMULGATION OF PENALTY.** After all appeals are exhausted or after the time for filing an appeal has  
1445 expired, a sentence of censure, suspension, or expulsion meted out to any active, life or retired member,  
1446 including those instances when the disciplined member has been placed on probation, shall be promulgated by  
1447 such member's component society and this Association.

1448 **E. DISCIPLINARY PROCEEDINGS.** Before a disciplinary penalty is invoked against a member, the following  
1449 procedures shall be followed by the society preferring charges:

1450 **a. Hearing.** The accused member shall be entitled to a hearing at which the accused shall be given the  
1451 opportunity to present a defense to all charges brought against the accused. A society shall permit the accused  
1452 member to be represented by legal counsel.

1453 **b. Notice.** The accused member shall be notified in writing of charges brought against the accused and of the  
1454 time and place of the hearing, such notice to be sent by certified mail, return receipt requested, addressed to  
1455 the accused's last known address and mailed not less than twenty-one (21) days prior to the date set for the  
1456 hearing. An accused member, upon request, shall be granted one postponement for a period not to exceed  
1457 thirty (30) days.

1458 **c. Charges.** The written charges shall include an officially certified copy of the conviction or determination of  
1459 guilt, or a specification of the *Bylaws* or ethical provisions alleged to have been violated, as the case may be, and  
1460 a description of the conduct alleged to constitute each violation.

1461 **d. Decision.** Every decision which shall result in censure, suspension or expulsion or in probation shall be  
1462 reduced to writing and shall specify the charges made against the member, the facts which substantiate any or  
1463 all of the charges, the verdict rendered, the penalty imposed or when appropriate the suspended penalty  
1464 imposed and the conditions for probation, and a notice shall be mailed to the accused member informing the  
1465 accused of the right to appeal. Within ten (10) days of the date on which the decision is rendered, a copy  
1466 thereof shall be sent by certified mail, return receipt requested, to the last known address of each of the  
1467 following parties: the accused member; the secretary of the component society of which he/she is a member;  
1468 the Chair of the Council on Ethics and Judicial Affairs of this Association and the Secretary-Treasurer of this  
1469 Association.

1470 **F. APPEALS.** The accused member under sentence of censure, suspension or expulsion shall have the right to  
1471 appeal from a decision of the accused's component society to this Association by filing an appeal in affidavit  
1472 form with the Secretary-Treasurer of this Association. An appeal from any decision of a component society shall  
1473 not be valid unless notice of the appeal is filed within thirty (30) days and the supporting brief, if one is to be  
1474 presented, is filed within sixty (60) days with the Secretary-Treasurer of this Association after such decision has  
1475 been rendered by a component society.

1476 **a. Briefs.** Every party to an appeal shall be entitled to submit a brief in support of the party's position. The party  
1477 initiating the appeal shall submit the supporting brief to the Secretary-Treasurer of this Association or the Chair  
1478 of the Council on Ethics and Judicial Affairs within sixty (60) days of the date upon which the decision appealed  
1479 from was rendered. A reply brief, if one is to be presented, shall be filed within ninety (90) days after such  
1480 decision is rendered. A rejoinder brief, if one is to be presented, shall be filed within one hundred five (105) days  
1481 after such decision is rendered. After all briefs have been filed, a minimum of forty-five (45) days shall lapse  
1482 before the hearing date. The party initiating the appeal may elect to reply on the record and/or on an oral  
1483 presentation and not file a brief. Omission of briefs will not alter the briefing schedule or hearing date unless  
1484 otherwise agreed to by the parties and the chair of the appropriate appellate agency.

1485 **b. Final Decision.** No decision shall become final while an appeal therefrom is pending or until the thirty (30)  
1486 day period for filing notice of appeal has elapsed. In the event of a sentence of expulsion and no notice of  
1487 appeal is received within the thirty (30) day period, the Secretary-Treasurer of this Association shall notify all  
1488 parties of the failure of the accused member to file an appeal. The sentence of expulsion shall take effect on the  
1489 date the parties are notified. The component society shall determine what portion of current dues, if any, shall  
1490 be returned to the expelled member. Dues and assessments paid to this Association shall not be refundable in  
1491 the event of expulsion. The following procedure shall be used in processing appeals:

1492 **c. Hearing on Appeal.** The accused member of the component society concerned shall be entitled to a hearing  
1493 on appeal before the Council on Ethics and Judicial Affairs of this Association, provided that such appeal is taken  
1494 in accordance with this Chapter. The accused member shall be entitled to be represented by legal counsel. A  
1495 party need not appear for his/her appeal to be heard by the Council on Ethics and Judicial Affairs.

1496 **d. Notice.** After the Council on Ethics and Judicial Affairs has received notice of appeal, it shall notify the  
1497 component society concerned and the accused member of the time and place of the hearing, such notice to be  
1498 sent by registered mail to the last known address of the parties to the appeal and mailed not less than thirty  
1499 (30) days prior to the date set for the hearing. Granting of continuances shall be at the option of the Council on  
1500 Ethics and Judicial Affairs.

1501 **e. Record of Disciplinary Proceedings.** Upon notice of an appeal the component society which preferred  
1502 charges shall furnish to the Council on Ethics and Judicial Affairs of this Association and to the accused member  
1503 a transcript of or an officially certified copy of the minutes of the hearing accorded the accused member. The  
1504 transcript or minutes shall be accompanied by certified copies of any affidavits or other documents submitted  
1505 as evidence to support the charges against the accused member or submitted by the accused member as part of  
1506 the accused's defense. Where the component society preferring charges does not provide for the transcription  
1507 of the hearing, the accused member, at the accused's own expense, shall be entitled to arrange for the services  
1508 of a court reporter to transcribe the hearing.

1509 **f. Appeals Jurisdiction.** The Council on Ethics and Judicial Affairs shall be required to review the decision  
1510 appealed from to determine whether the evidence before the component society which preferred charges  
1511 against the accused member supports that decision or warrants the penalty imposed. The Council on Ethics and  
1512 Judicial Affairs shall not be required to consider additional evidence unless there is a clear showing that either  
1513 party to the appeal will be unreasonably harmed by failure to consider the additional evidence. The parties to  
1514 an appeal are the accused member and the component society which preferred charges. In appeals to the  
1515 Council on Bylaws and Judicial Affairs of the American Dental Association, the Council on Ethics and Judicial  
1516 Affairs of this Association may, at its option, participate in the appeal.

1517 **g. Decision of Appeals.** Every decision of appeal shall be reduced to writing and shall state clearly the  
1518 conclusion on the Council on Ethics and Judicial Affairs and the reasons for reaching that conclusion. The Council  
1519 on Ethics and Judicial Affairs shall have the discretion:

1520 (1) To uphold the decision of the component society which preferred charges against the accused member.  
1521 (2) To reverse the decision of the component society which preferred charges and thereby exonerate the  
1522 accused member.  
1523 (3) To deny an appeal which fails to satisfy the requirements of this Chapter.  
1524 (4) To refer the case back to the component society which preferred charges for a new proceeding, if the rights  
1525 of the accused member under all applicable provisions of these *Bylaws* were not accorded the accused.  
1526 (5) To remand the case back to the society which preferred charges for further proceedings when the appellate  
1527 record is insufficient in the opinion of the Council on Ethics and Judicial Affairs to enable it to render a decision.  
1528 (6) To uphold the decision of the component society which preferred the charges against the accused member  
1529 and reduce the penalty imposed.

1530 Within thirty (30) days of the date on which a decision on appeal is rendered, a copy thereof shall be sent by  
1531 certified mail, return receipt requested, to the last known address of each of the following parties: the accused  
1532 member, the secretary of the involved component society and the Secretary-Treasurer of this Association.

1533 **SECTION 30. APPEAL TO THE BOARD OF DIRECTORS.** All appeals from the decision of the Council on Ethics and  
1534 Judicial Affairs shall be made to the Board of Directors provided all such appeals are taken in accordance with

1535 and satisfy the requirements of this Chapter. Both the Association and the accused may procure the services of  
1536 legal counsel. The Board of Directors shall have the discretion in rendering a decision and shall give notice of  
1537 such decision in like manner as set forth for the Council on Ethics and Judicial Affairs in Section 20F of this  
1538 Chapter. Balloting shall be by secret ballot.

1539 **SECTION 40. APPEAL TO THE AMERICAN DENTAL ASSOCIATION.**

1540 Any member who may feel aggrieved by a final decision of this Association shall have the right of appeal to the  
1541 Council on Bylaws and Judicial Affairs of the American Dental Association as set forth in the *Constitution* and  
1542 *Bylaws* of that Association.

1543 **SECTION 50. FINAL APPELLATE ACTION.** No disciplinary penalty may be invoked against a member until final  
1544 appellate action has been taken or until the time within which appellate action may be taken has elapsed and no  
1545 appeal has been taken.

1546 **SECTION 60. NON-COMPLIANCE.** In the event of a failure of technical conformance to the procedural  
1547 requirements of this Chapter, the Council on Ethics and Judicial Affairs or the Board of Directors of this  
1548 Association, as the case may be, shall determine the effect of technical non-conformance.

1549 **SECTION 70. AMERICAN DENTAL ASSOCIATION COMPLIANCE.** All proceedings in this Chapter are to be  
1550 construed and shall be in conformity with the *Bylaws* of the American Dental Association as presently  
1551 constituted or as may be amended.

1552 **CHAPTER XI**  
1553 **PUBLICATIONS**

1554 **SECTION 10. OFFICIAL JOURNAL.**

1555 **A. TITLE.** This Association shall publish or cause to be published an official journal under the title of the *Texas*  
1556 *Dental Journal*, hereinafter referred to as “the *Journal*.”

1557 **B. OBJECT.** The object of the *Journal* shall be to report, chronicle and evaluate activities of scientific and  
1558 professional interest to members of the dental profession.

1559 **C. EDITOR.** The Editor of the Association shall be the Editor-in-Chief of the *Journal*.

1560 **SECTION 20 . OTHER PUBLICATIONS.** The Association may publish or cause to be published the *TDA Today*  
1561 and/or other publications in the field of dentistry or of general interest to the membership, under Editor-  
1562 designate and subject to the direction and regulations of the Board of Directors.

1563 **SECTION 30. FREQUENCY OF ISSUE AND SUBSCRIPTION RATE.** The frequency of issue and the subscription rate  
1564 of the publications of the Association shall be determined by the Board of Directors annually.

1565 **SECTION 40. OFFICIAL ROSTER** This Association shall cause to be published an *Official Roster* under the  
1566 supervision of the Secretary-Treasurer, as provided in these *Bylaws*.

1567 **CHAPTER XII**  
1568 **FINANCES**

1569 **SECTION 10. FISCAL YEAR.** The fiscal year of the Association shall begin on January 1 of each calendar year and  
1570 end on the December 31 following.

1571 **SECTION 20. BUDGET.** The Association shall adopt a budget annually during the meeting of the House of  
1572 Delegates in accordance with Chapter IV, Section 140, Subsection C. Any expenditure of the Association that  
1573 has not been provided for in the budget shall first be referred to the Budget Committee for review and  
1574 recommendation and then be approved by the Board of Directors prior to such expenditure occurring. The  
1575 Board of Directors may, however, make such emergency appropriations as deemed necessary to carry out the  
1576 purposes and policies of the Association.

1577 **SECTION 30. GENERAL FUND.** The General Fund shall consist of all monies and accounts other than those  
1578 specifically named as a separate Fund in these Bylaws or as a restricted account in accordance with Chapter XII,  
1579 Section 40 of these Bylaws. The General Fund shall be used in defraying all expenses incurred by this  
1580 Association not otherwise provided in these Bylaws. The General Fund shall be divided into an Operating and  
1581 Reserve Division held in accounts in the name of the Texas Dental Association and shall be directed and  
1582 managed by the Board of Directors in accordance with Association policy.  
1583

1584 **SECTION 40. RESTRICTED ACCOUNTS.** The Association may establish restricted accounts at the discretion of the  
1585 Board of Directors or at the direction of the House of Delegates for activities and programs requiring separate  
1586 accounting records to meet governmental and administrative requirements or for projects of a specific and  
1587 defined nature with a limited duration. Such accounts are restricted in nature and shall be used exclusively for  
1588 receiving deposits or expending monies in defraying expenses incurred in the operation of the activity or  
1589 program for which the account was established in the enabling resolution. Disbursements from restricted  
1590 accounts shall be directed by the entity given oversight authority as named in the resolution that created the  
1591 account. Account activity shall be reported to the Board of Directors. Restricted accounts shall exist until the  
1592 purpose for which they were created has been fulfilled or until discontinued by the authority that created them.  
1593 Any unused monies remaining in a discontinued restricted account shall revert to the General Fund.

1594 **SECTION 50. RELIEF FUND.**

1595 A. PURPOSE. The Texas Dental Association Relief Fund is established as a charitable fund to provide financial  
1596 relief to members of the dental profession and dependents of deceased members of the dental profession. The  
1597 Texas Dental Association Relief Fund may also be used as grants to other charitable tax-exempt dental  
1598 organizations. No officer or employee of the Association and no person connected in any way with the  
1599 administration of the fund shall receive any pecuniary benefits therefrom. No part of the Fund shall ever be  
1600 used to carry on propaganda or otherwise attempt to influence legislation. All money, property or securities  
1601 received from any source by the Fund shall be placed in a separate account to be known as the Texas Dental  
1602 Association Relief Fund, to be supervised, administered and prudently invested by the Board of Directors.

1603 B. APPLICATIONS AND GRANTS.

1604 All applications for financial aid shall be investigated and acted upon by the Board of Directors of the  
1605 Association. The amount of every relief grant is to be determined by the Board of Directors.

1606 C. DUES AND MEMBERSHIP. Members, while receiving aid from the Relief Fund, shall be exempt from payment  
1607 of dues and assessments and shall remain in good standing.

1608 D. ANNUAL REPORT. The Board of Directors shall make an annual written report of its activities, together with a  
1609 financial statement of the Fund, to the House of Delegates.

1610 **SECTION 60. REIMBURSEMENT POLICY.** The Board of Directors shall determine the reimbursement policy and  
1611 cause to be reimbursed, the President, the Secretary-Treasurer, Delegates and Alternate Delegates of this  
1612 Association to the American Dental Association, Council and Committee members while serving in official  
1613 capacity for this Association. The Board of Directors shall determine other reimbursement policies as needed or  
1614 where called for in these *Bylaws* and cause reimbursement items to be included in the annual budget of the  
1615 Association.

1616 **SECTION 70. SPECIAL ASSESSMENTS.**

1617 A. PURPOSE. In addition to the payment of dues required in Chapter I, Section 70 of these *Bylaws*, a special  
1618 assessment may be levied by the House of Delegates upon all dues paying members of this Association for the  
1619 purpose of funding a specific project of limited duration. The House of Delegates may consider only one (1)  
1620 specific project to be funded by a proposed assessment at a time. However, if properly adopted by the House  
1621 of Delegates, two (2) or more special assessments may be in force at the same time.

1622 B. NOTICE. Such an assessment may be levied at any annual or special session of the House of Delegates by a  
1623 two-thirds (2/3) majority vote of the delegates present and voting, providing notice of the proposed assessment  
1624 has been presented in writing at least sixty (60) days prior to the first day of the session of the House of  
1625 Delegates at which it is to be considered. Notice of such a resolution shall be sent to the secretary of each  
1626 component society not less than sixty (60) days before such session to permit prompt, adequate notice by each  
1627 component society to its delegates and alternate delegates to the House of Delegates of this Association, and  
1628 shall be announced to the general membership in an official publication of this Association at least thirty (30)  
1629 days in advance of the session. The specific project to be funded by the proposed assessment, the time frame  
1630 of the project, and the amount and duration of the proposed assessment shall be clearly presented in giving  
1631 notice to the members of this Association. Any resolution to levy a special assessment that does not meet the  
1632 notice requirements may be adopted by a unanimous vote of the House of Delegates, providing the resolution  
1633 has been presented in writing at a previous meeting of the same session.

1634 C. SEPARATE RESTRICTED ACCOUNT. Revenue from a special assessment and any earnings thereon shall be  
1635 deposited into a separate restricted account as provided in Chapter XII, Section 40 of these Bylaws until the end  
1636 of the specified project duration as defined by the enabling resolution and in accordance with Chapter XII,  
1637 Section 70, Subsection A of these Bylaws.  
1638

## 1639 CHAPTER XIII

### 1640 ALLIANCE TO TEXAS DENTAL ASSOCIATION

1641 **SECTION 10. RECOGNITION.** The Association recognizes the Alliance to the Texas Dental Association as an  
1642 organization of spouses of active, life or retired members in good standing of this Association and of spouses of  
1643 such members who were in good standing at the time of death.

1644 **SECTION 20. CONSTITUTION AND BYLAWS.** In order to maintain recognition, no provision in the *Constitution*  
1645 and *Bylaws* of the Alliance shall be in conflict with the *Constitution* and *Bylaws* of this Association.

### 1646 CHAPTER XIV INDEMNIFICATION

1647 Subject to the policies of this Association, each officer, director, council member, committee member, delegate or  
1648 alternate delegate at the annual session of the American Dental Association, Director or officer of a subsidiary or  
1649 affiliate corporation or other entity, the Directors of the Texas Dental Association Smiles Foundation, employee  
1650 and other agent of this Association shall be held harmless and indemnified by the Association against all claims  
1651 and liabilities and all costs and expenses including attorney's fees, reasonably incurred or imposed upon him/her in  
1652 connection with or resulting from any action, suit, or proceeding, or the settlement or compromise thereof, to  
1653 which he/she may be made a party by reason of any action taken or omitted to be taken by him/her as an officer,  
1654 director, council member, committee member, delegate or alternate delegate at the annual session of the  
1655 American Dental Association, employee or agent of this Association, in good faith. An affiliate entity is defined as  
1656 an entity owned or controlled by the Texas Dental Association, or its subsidiaries, or an entity that has been  
1657 designated as an affiliate entity by the Board of Directors. This right of indemnification shall inure to such person  
1658 whether or not he/she is an officer, director, council member, committee member, delegate at the annual session  
1659 of the American Dental Association, employee or agent at the time such liabilities, costs, or expenses are imposed  
1660 or incurred and, in the event of his/her death, shall extend to his/her legal representatives. To the extent  
1661 available, the Association shall insure against any potential liability thereunder.

1662 In order for a component society and its Peer Review and Judicial Committees to be indemnified in relation to peer  
1663 review and judicial activities, all members of the Component Peer Review Committees and Component Judicial  
1664 Committees must have attended a training session by the Texas Dental Association, before they assume their  
1665 duties, and the chairmen shall certify annually to the Texas Dental Association that all Peer Review and Judicial  
1666 Committee members have been trained by the Texas Dental Association. Each component chair must have  
1667 attended a TDA training session within the last four years and component committee members must have  
1668 attended a TDA training session within the last eight years. All component committee members shall be provided  
1669 information on changes in the manuals as such changes are adopted according to the most recent Peer Review  
1670 and Judicial Committee Manuals. The certification by the component Peer Review and Judicial Committee  
1671 chairmen must be received by the Texas Dental Association before August first (1<sup>st</sup>) each year.

## 1672 CHAPTER XV

### 1673 RULES OF ORDER

1674 Chapter XV, Rules of Order. The business of the Association shall be conducted formally in accordance with  
1675 accepted rules of parliamentary procedure. The current edition of the American Institute of Parliamentarians  
1676 Standard Code of Parliamentary Procedure shall govern the deliberations of the Association in all cases in which  
1677 they are applicable and not in conflict with the standing rules or the Constitution and Bylaws of the Texas Dental  
1678 Association.

## 1679 CHAPTER XVI

### 1680 AMENDMENTS

1681 **SECTION 10.** The *Bylaws*, *Recall Manual*, *Principles of Ethics and Code of Professional Conduct*, *Judicial Manual*,  
1682 and *Peer Review Manual* of this Association may only be amended by the House of Delegates at any session by a

1683 two-thirds (2/3) majority vote of the members, present and voting provided the proposed amendments shall  
1684 have been presented in writing at a previous session or at the opening meeting of the same Session. The  
1685 *Bylaws* and manuals, referenced above, of this Association may also be amended at any meeting of the House  
1686 of Delegates by unanimous vote of the members present and voting.

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