

The Ethics Corner

Interview with NYSDA General Counsel Lance Plunkett—Final Installment

By Julie Connolly, DDS, Ethics Committee Chair



This concludes the three-part series of questions posed by Ethics Committee Members Lawrence Bailey, DDS and Gail Schupak, DMD to Lance Plunkett, Esq., General Counsel for the New York State Dental Association.

Part III: The Dental PAC

Q: We've read about the American Dental Association and NYSDA influencing legislation. What are the ethics regarding the power of the dental PAC?

A: The NYSDA Code of Ethics does not apply to activities of the Empire Dental Political Action Committee (EDPAC). The NYSDA Code of Ethics only regulates conduct between dentists and their patients. It does not even regulate conduct between dentists among themselves. The NYSDA Code of Ethics looks at all issues only with the patient in mind. Thus, business or personal disputes among dentists, no matter how nasty or discourteous they may get, are not the province of the NYSDA Code of Ethics. There has to be a patient involved to trigger the jurisdiction of ethics. EDPAC is subject to its own set of rules under the New York State Election Law that defines what all political action committees can and cannot do. In fact, NYSDA must maintain a separation from EDPAC because it is prohibited for any corporation to direct a political action committee on how to expend its funds. Another common misconception about EDPAC is that it serves as a lobbying entity—it does not and it is prohibited from doing so. The only purpose for EDPAC is to make contributions to candidates for state and local political office. EDPAC makes no contributions to candidates for federal offices and is prohibited from doing so. The ethics for making contributions to political candidates is the same for an individual as it is for a political action committee. Individuals make contributions based on their personal preferences and beliefs as to which candidates they would prefer to see elected. EDPAC aggregates monies given to it by many different dentists, with many different political beliefs. As a result, EDPAC does not just make contributions to one party's candidates, but expends money on candidates from many different political parties. EDPAC tries to identify candidates who essentially are from the "dental party"—meaning that they are sensitive to and appreciate the concerns of dentists on various public health issues that matter to the profession. The candidate may not always agree with NYSDA on particular issues, but EDPAC is objective about such things and looks at the bigger picture when making contributions to candidates. Again, EDPAC does not lobby, so its decisions are not framed around partic-

ular legislative issues. Obviously, EDPAC is not clueless about such things, but it is not their primary concern or motivation. In many ways, unless a person objects to the entire idea of making any political contributions, EDPAC may be more ethical in its objectivity than many individuals are in their personal predilections about candidates for public office.

Q: The dental PAC was compared to the NRA. Is this fair?

A: It is both flattering and ludicrous at the same time. Many political action committees would love to have the resources of the NRA political action committee, as well as its committed base of contributors. Certainly, organized dentistry has nothing remotely equivalent to that. However, it is a tribute to the effectiveness of the dental political action committees that anyone would see them in the same light as the NRA. A critical difference is that dentistry is frequently associated with positive public health messaging and the NRA has much more polarizing messaging. Again, to those who hate the idea of money having any role in politics, comparison to the NRA will be detestable. But money has always been a part of politics throughout world history and has always been a part of American politics. So, the bottom line is that it is not fair or unfair to compare dentistry to the NRA, it just is not a very logical or smart comparison and is premised on generating shock value to make a point about the perceived evils of money in politics.

Q: How should we represent ourselves to the public?

A: Section 1-C of the NYSDA Code of Ethics does touch on this. It states: "Dentists have an obligation to use their skill, knowledge, and experience for improvement of the dental health of the public and are encouraged to be leaders in their community. In this service they shall conduct themselves in such a manner as to maintain or elevate the esteem of the profession." Dentistry should continue to do what it has always done—represent itself as champions of good public health. For example, dentistry promotes water fluoridation to prevent caries. This is a recognized milestone in public health. However, if dentistry was just self-serving, it would join with those who want to prohibit water fluoridation—because that would increase dental caries and generate lots more business for dentists everywhere. But dentistry has taken the high road on this important public health issue and it is one of the many reasons that dentists are among the most highly respected of all professions. Dentistry really has nothing to be ashamed of in its public image and, even in the arena of political action committees, dentistry can hold its head high and point out that it wants legislators elected who are conversant with public health concerns and will do their best to make public health better for the sake of patients. ■