

Resolution No. 203 New

Report: N/A Date Submitted: 04/03/2025

Submitted By: Dr. Steven Saxe, delegate, Nevada

Reference Committee: A (Business, Membership and Administrative Matters)

Total Net Financial Implication: \$300,000 Net Dues Impact: \$3.00

Amount One-time: _____ Amount On-going: _____

ADA Strategic Forecast Outcome: Tripartite: Promote Tripartite stability, success, and future growth.

**ESTABLISHING THE NATIONAL UNION OF ADA EMPLOYED DENTISTS (NUAED) TO PROMOTE
WORKPLACE PROTECTIONS, ETHICS, AND PROFESSIONAL SUPPORT**

The following resolution was submitted on Thursday, April 3, 2025, by Dr. Steven Saxe, delegate, Nevada.

Background: The structure of the dental workforce is rapidly evolving. This resolution does not propose a feasibility study but rather the formal establishment of a voluntary, member-based union. A task force would be appointed solely to oversee legal compliance and implementation logistics. A significant and growing percentage of new dentists begin their careers as employees in large group practices, DSOs, community health centers, and other institutional settings. In recent years, over 25% of new graduates reported affiliating with DSOs within their first year of practice (1).

Despite this shift, the American Dental Association (ADA) currently offers no formal structure through which employed dentists can collectively advocate for their professional rights (7), negotiate employment terms, or defend their ethical standards. Other healthcare professionals—including physicians, mental health specialists, nurses, and even employed dentists in public systems—have long benefited from union representation through organizations like the Union of American Physicians and Dentists (UAPD), SEIU-UHW, and the National Union of Healthcare Workers (2)(5)(6).

This resolution proposes the creation of the National Union of ADA Employed Dentists (NUAED), a voluntary, ADA-affiliated union for employed dentists. Membership in the NUAED would be optional and available only to ADA members. Employers—including private practice owners—would **not** be required or encouraged to hire union-affiliated dentists. The union would exist solely to serve employed dentists who voluntarily choose to join, protecting their rights while avoiding undue pressure on any practice model.

The NUAED would offer valuable services such as legal and contract review, ethical case support, peer-led professional guidance, and—where legally permitted—salary and benefit negotiations. These services include professional advocacy (such as support during employment disputes or internal investigations) and ethical and workplace support (such as guidance on navigating production pressure, unethical directives, or workplace discrimination), modeled after protections offered by healthcare unions such as the Union of American Physicians and Dentists (UAPD) and the National Union of Healthcare Workers (NUHW). The union would be established in full compliance with the National Labor Relations Act, FTC antitrust guidelines, and association law (3)(4). Legal counsel will be retained during development to ensure appropriate structural separation between the ADA and the NUAED, as required to prevent liability while allowing for collaboration in infrastructure and support. To guide this process, an implementation group shall be formed under the Board of Trustees to support NUAED development and ensure

compliance with legal and structural requirements. This group will assist with execution and deliver a progress update to the 2026 House of Delegates.

After the implementation cost, the NUAED would be self-funded through voluntary union dues or participation fees paid by its members, in compliance with federal antitrust and labor laws, including the FTC's guidance for associations and the National Labor Relations Act. With the exception of the implementation costs, no ADA dues or general association funds will be used to subsidize its operations. A separately elected board of directors, composed of NUAED members, would govern the union's operations and assume legal and fiduciary responsibility independent from ADA governance.

Organized dentistry cannot remain silent while early-career dentists face increasing workplace stress, loss of autonomy, or retaliation for speaking up. A dedicated union is not only legal—it is overdue. It is also a meaningful response to the concerns of a generation of dentists who have increasingly disconnected from organized dentistry. Recent surveys and membership trends show that even when free or discounted ADA memberships are offered, some new dentists decline to join because they do not see sufficient value (1). Providing legal and workplace protections through union representation may become one of the most powerful incentives the ADA can offer its employed members.

This union would provide the ADA with a generational bridge to younger dentists—offering something no employer or DSO can: an independent professional structure focused on dentists' rights, ethics, and long-term well-being. Wider adoption of NUAED membership may also contribute to a healthier practice culture across the profession by promoting transparency, ethics, and professionalism in employee-employer relations—without imposing mandates on employers.

By sponsoring this effort and ensuring it operates within federal law, the ADA demonstrates that it is willing to evolve—protecting not just the profession, but the professionals who carry it forward.

References:

1. *Dentists of Tomorrow 2023: An Analysis of the Results of the ADEA 2023 Survey of U.S. Dental School Seniors* – Istrate, ADEA, 2023 <https://www.adea.org/home/publications/research-and-data/dental-school-seniors/dentists-of-tomorrow-2023>
2. *Union of American Physicians and Dentists (UAPD)* – www.uapd.com
3. *National Labor Relations Act Summary* – NLRB, 2024 <https://www.nlr.gov/guidance/key-reference-materials/national-labor-relations-act>
4. *FTC Guide to Antitrust Laws* – Federal Trade Commission, 2024 <https://www.ftc.gov/advice-guidance/competition-guidance/guide-antitrust-laws>
5. *National Union of Healthcare Workers (NUHW)* – <https://nuhw.org>
6. *SEIU–United Healthcare Workers West (SEIU-UHW)* – <https://www.seiu-uhw.org/>
7. ADA Policy, Statement on Employment of a Dentist (*Trans.*2013:353; 2018:357; 2019:251)

Resolution

203. Resolved, that the American Dental Association shall establish the National Union of ADA Employed Dentists (NUAED) as a voluntary, membership-based union available to any employed dentist who is also a member of the ADA, and be it further

Resolved, that the NUAED shall operate in full legal compliance with applicable labor, antitrust, and association law, with legal oversight guiding its structure and separation from ADA governance, and be it further

Resolved, that participation in NUAED shall be optional and no employer, including private practices, shall be required or expected to hire union-affiliated dentists, and be it further

1 **Resolved**, that the NUAED shall provide member services including legal and contract review;
2 professional advocacy (such as support during employment disputes or internal disciplinary actions);
3 ethical and workplace support (such as guidance on production pressure, discrimination, or unethical
4 directives); and—where legally permitted—participation in salary and benefit negotiations, and be it
5 further

6 **Resolved**, that excluding implementation costs, the NUAED shall be financially self-sustaining,
7 funded exclusively through voluntary union dues or participation fees paid by its members, and
8 structured in compliance with federal antitrust and labor laws, including the FTC's association
9 guidance and the National Labor Relations Act, with no ADA dues or general association funds used
10 to subsidize its operations, and be it further

11 **Resolved**, that the NUAED shall be governed by an independent board of directors elected by its
12 members, and that this board shall be responsible for ensuring the union's legal compliance,
13 member services, and operational integrity, in accordance with all applicable laws and its own
14 bylaws, and be it further

15 **Resolved**, that the Board of Trustees shall designate a temporary implementation group to support
16 the development of the NUAED and deliver a progress update to the 2026 House of Delegates, and
17 be it further

18 **Resolved**, that this union shall serve as a benefit-driven support system to help employed dentists
19 protect their rights and elevate standards of professionalism across all practice settings.

20 **BOARD COMMENT:** The Board of Trustees (BOT) acknowledges the sentiment expressed in the
21 resolution and appreciates the thoughtful concept brought forward for consideration as we all strive to
22 increase member value. The Board wishes to note that this request specifically pertains to a union of
23 employee dentists which would collectively bargain with their employers for employee's professional
24 employment rights, negotiate wage and other employment terms, or defend their ethical standards and is
25 not meant to negotiate reimbursement rates or other terms with third party payers or other third parties. In
26 this context, the Board believes that conceptually the ideas expressed in this resolution may have merit,
27 but several unanswered questions remain in order to arrive at an educated assessment on whether ADA
28 members are best served by the ADA using its resources to implement the intent of this resolution. For
29 example:

- 30 • How would the ADA handle potential conflict issues between an ADA member employed dentist
31 and an ADA member employer dentist who may own or control a practice?
- 32 • Regarding the conflict issue, would there still be an indirect association between the ADA and the
33 union after formation, even if the ADA would not control the union, given that the ADA helped to
34 form the union and only ADA members could join the union?
- 35 • Could membership in the union be restricted to ADA members only? Would there be any
36 consequences if the independent union's board were to decide that members of the union no
37 longer need to maintain ADA membership, or take positions inconsistent with ADA policy?
- 38 • How many dentists already participate in Union of American Physicians and Dentists (UAPD)?
39 Would it be better for an entity other than the ADA to support formation of the proposed union?
- 40 • How would the ADA proactively educate member dentists to ensure that members who are
41 employers cannot discriminate against employee colleagues based on union participation?
- 42 • Could dentists who are employees but supervise hygienists, dental assistants or others be
43 eligible for membership in the union?
- 44 • What would be a reasonable estimate of the costs of implementing this resolution?

45 Aside from these questions, the Board recognized that input from the New Dentist Committee and ADA
46 member dentists early in their career was not available at the time of discussion of this resolution. Input

1 from a specialized labor attorney and/or a labor union consultant is also required to answer many of the
 2 questions about forming a union and then separating from the ADA, including how to immunize the ADA
 3 from any anti-trust scrutiny even if ADA's role is to only support initial establishment of an entity to
 4 organize a union.

5 For these reasons, the Board requests the House to consider referring this resolution to the appropriate
 6 ADA agency for further evaluation.

7 **BOARD RECOMMENDATION: Vote Yes on Referral.**

8 **Vote: Resolution 203**

BERG	Yes	DOWD	Yes	KNAPP	Yes	STUEFEN	Yes
BOYLE	Yes	GRAHAM	Yes	MANN	Yes	TULAK-GORECKI	Yes
BROWN	Yes	HISEL	Yes	MARKARIAN	Yes	WANAMAKER	Yes
CAMMARATA	Yes	HOWARD	Yes	MERCER	Yes		
CHOPRA	Yes	IRANI	Yes	REAVIS	Yes		
DEL VALLE-SEPÚLVEDA	Yes	KAHL	Absent	ROSATO	Yes		