

STATE OF NEW YORK

10722

IN ASSEMBLY

May 15, 2018

Introduced by M. of A. GLICK -- read once and referred to the Committee on Higher Education

AN ACT to amend chapter 987 of the laws of 1971 amending the education law and the civil practice law and rules relating to the regulation and practice of certain professions; and to continue the dental society of the state of New York, in relation to membership in the New York state dental association

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 5 of chapter 987 of the laws of 1971 amending the
2 education law and the civil practice law and rules relating to the regu-
3 lation and practice of certain professions; and to continue the dental
4 society of the state of New York, as amended by chapter 278 of the laws
5 of 2008, is amended to read as follows:

6 § 5. The Dental Society of the State of New York is continued and
7 shall be renamed the New York State Dental Association and shall be
8 composed of the members of the district and county societies. The state
9 dental association shall annually meet on the second Wednesday of May,
10 or at such other time and at such place as may be determined in the
11 bylaws of the association or by resolution, at the preceding annual
12 meeting. Twenty members shall be a quorum. A president, president-elect,
13 vice-president, and secretary-treasurer shall be elected annually, and
14 shall hold their office for one year, and until others shall be chosen
15 in their places. The officers shall be elected by the directors of the
16 association. The association may elect honorary members from any state
17 or country not eligible to regular membership, who shall not be entitled
18 to vote or hold any office in the association. Such association may
19 purchase and hold real estate and personal estate for the purpose of its
20 incorporation. The association shall have the power to make all needful
21 bylaws not inconsistent with the laws of the state, for the management
22 of its affairs and property and the admission and expulsion of members,
23 including the authority to adopt any bylaws admitting or amending any
24 membership status of any persons, including licensed dentists and
25 persons with dental degrees that qualify them for licensure, and allo-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD15093-03-8

1 cating such members among district and county societies pursuant to such
2 bylaws as determined by the association. Notwithstanding any provision
3 of this section, determination regarding whether an individual who
4 applies for licensure as a dentist in New York state meets the educa-
5 tional requirements for such licensure shall be at the sole discretion
6 of the education department of the state of New York. Notwithstanding

7 any other provision of law, the directors of the association may, by a
8 three-fourths vote, suspend or remove any director of the association,
9 or by a two-thirds vote remove a district or county society as a compo-
10 nent member. Notwithstanding any other provision of law, the time period
11 for voting by the members of the association on any amendment to the
12 constitution or bylaws of the association shall run from the date of
13 giving written notice in any mailing or other publication by the associ-
14 ation of any such amendment to the date of the commencement of the next
15 regular meeting of the directors of the association.

16 § 2. Subdivisions 1 and 2 of section 6 of chapter 987 of the laws of
17 1971 amending the education law and the civil practice law and rules
18 relating to the regulation and practice of certain professions; and to
19 continue the district dental societies of the state of New York, as
20 amended by chapter 288 of the laws of 2017, are amended to read as
21 follows:

22 1. The existing district dental societies are continued. In any judi-
23 cial district in which a district dental society is not incorporated,
24 fifteen or more dentists of such district authorized to practice dentis-
25 try in this state may become a district dental society of such district,
26 by publishing a call for a meeting of the dentists of the district to be
27 held at a time and place mentioned therein within the district, in at
28 least one newspaper in each county of the district, at least once a week
29 for at least four weeks immediately preceding the time when such meeting
30 is to be held, and by meeting at the time and place specified in such
31 notice with such dentists authorized to practice dentistry in the
32 district as may respond to such call, and by making and filing with the
33 secretary of the state dental association a certificate, to be executed
34 and acknowledged by the dentists so meeting, or by at least fifteen of
35 them, which shall set forth that such meeting has been held pursuant to
36 such notice, the corporate name of the society, which shall be the
37 district dental society of the judicial district where located, the
38 names and places of residence of the officers of the society for the
39 first year, or until the first annual meeting, which officers shall be a
40 president, vice-president, secretary and treasurer, the time and place
41 of the annual meeting of the society and the general objects and
42 purposes of the association. Thereupon the persons executing such
43 certificate and all other dentists in good standing and authorized to
44 practice dentistry in such district, and persons with dental degrees
45 that qualify them for licensure, who shall subscribe to its bylaws,
46 shall be a corporation by the name expressed in such certificate. Every
47 licensed and registered dentist, and persons with dental degrees that
48 qualify them for licensure, in the judicial district in which such a
49 society is formed, shall be eligible to membership in the district soci-
50 ety of the district in which he or she resides or practices dentistry,
51 except if such dentist resides or practices dentistry in a county in
52 which a county dental society is formed in the manner hereinafter
53 provided, he or she shall be eligible to membership in such county soci-
54 ety; provided, however, that after September 1, 1990 any licensed and
55 registered dentist who is not a member of the state dental association
56 shall be eligible for membership only in the district or county society

1 in which he or she maintains his or her primary practice. Any member of
2 a district or county dental society who has been a member of such
3 district or county dental society continuously since January first,
4 nineteen hundred seventy-seven, may maintain his or her membership in
5 that district or county dental society notwithstanding where such member
6 resides or practices dentistry. The dental societies of the respective
7 districts of the state shall have power to make all necessary bylaws not
8 inconsistent with the laws of this state for the management of their
9 affairs and property and the admission and expulsion of members; provid-
10 ing that no bylaw of any district society shall be repugnant to or
11 inconsistent with the bylaws of the state association. Twenty members or
12 ten percent of the total membership entitled to vote, whichever is less,
13 shall be a quorum. Such societies may purchase and hold real and
14 personal property for the purposes of their incorporation.

15 2. Notwithstanding the provisions of this section or any other law or
16 rule to the contrary, a county dental society may be formed if applica-
17 tion by fifteen or more dentists of a county or fifteen or more
18 dentists from each of contiguous counties, or fifty percent or more of
19 the dentists in a county or from each contiguous county with fewer than
20 thirty dentists is approved by the governing body of the New York State
21 Dental Association. Every licensed and registered dentist, and persons
22 with dental degrees that qualify them for licensure, who resides or
23 practices dentistry within the geographic area in which such a county
24 society is formed shall be eligible to membership in such society;
25 provided, however, that after September 1, 1990, any licensed and regis-
26 tered dentist who is not a member of the state dental association shall
27 be eligible for membership only in the county society in which he or she
28 maintains his or her primary practice. Any member of a district or coun-
29 ty dental society who has been a member of such district or county
30 dental society continuously since January first, nineteen hundred seven-
31 ty-seven, may maintain his or her membership in that district or county
32 dental society notwithstanding where such member resides or practices
33 dentistry. Such county dental societies shall have the same powers,
34 duties and quorum requirements as district dental societies.

35 § 3. This act shall take effect immediately.