STATE OF NEW YORK

5984

2017-2018 Regular Sessions

IN ASSEMBLY

February 21, 2017

Introduced by M. of A. McDONALD -- 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 counting representation in the New York state dental association

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

Section 1. Subdivisions 1 and 2 of section 6 of 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, as amended by chapter 683 of the laws of 1997, are amended to read as follows:

1. The existing district dental societies are continued. In any judicial district in which a district dental society is not incorporated, fifteen or more dentists of such district authorized to practice dentistry in this state may become a district dental society of such district, by publishing a call for a meeting of the dentists of the district to be held at a time and place mentioned therein within the district, in at least one newspaper in each county of the district, at least once a week for at least four weeks immediately preceding the time when such meeting is to be held, and by meeting at the time and place specified in such notice with such dentists authorized to practice dentistry in the district as may respond to such call, and by making and filing with the secretary of the state dental association a certificate, to be executed and acknowledged by the dentists so meeting, or by at least fifteen of them, which shall set forth that such meeting has been held pursuant to such notice, the corporate name of the society, which shall be the district dental society of the judicial district where located, the names and places of residence of the officers of the society for the

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

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first year, or until the first annual meeting, which officers shall be a president, vice-president, secretary and treasurer, the time and place of the annual meeting of the society and the general objects and purposes of the association. Thereupon the persons executing such certificate and all other dentists in good standing and authorized to practice dentistry in such district, who shall subscribe to its bylaws, shall be a corporation by the name expressed in such certificate. Every licensed and registered dentist in the judicial district in which such a society is formed, shall be eligible to membership in the district society of the district in which he or she resides or practices dentistry, except if such dentist resides or practices dentistry in a county in which a county dental society is formed in the manner hereinafter provided, he or she shall be eligible to membership in such county society; provided, however, that after September 1, 1990 any licensed and registered dentist who is not a member of the state dental association shall be eligible for membership only in the district or county society in which he or she maintains his or her primary practice. Any member of a district or county dental society who has been a member of such district or county dental society continuously since January first, nineteen hundred seventy-seven, may maintain his or her membership in that district or county dental society notwithstanding where such member resides or practices dentistry[~~, provided that for purposes of counting the number of members in any district or county dental society with respect to any New York state dental association or american dental association matter relating to representation, all such members affected by this provision shall be counted only as members of the district or county dental society where they maintain their primary practice and not as members of any other district or county dental society~~]. The dental societies of the respective districts of the state shall have power to make all necessary bylaws not inconsistent with the laws of this state for the management of their affairs and property and the admission and expulsion of members; providing that no bylaw of any district society shall be repugnant to or inconsistent with the bylaws of the state association. Twenty members or ten percent of the total membership entitled to vote, whichever is less, shall be a quorum. Such societies may purchase and hold real and personal property for the purposes of their incorporation.

2. Notwithstanding the provisions of this section or any other law or rule to the contrary, a county dental society may be formed if application by fifteen or more dentists of a county or fifteen or more dentists from each of contiguous counties, or fifty percent or more of the dentists in a county or from each contiguous county with fewer than thirty dentists is approved by the governing body of the New York State Dental Association. Every licensed and registered dentist who resides or practices dentistry within the geographic area in which such a county society is formed shall be eligible to membership in such society; provided, however, that after September 1, 1990, any licensed and registered dentist who is not a member of the state dental association shall be eligible for membership only in the county society in which he or she maintains his or her primary practice. Any member of a district or county dental society who has been a member of such district or county dental society continuously since January first, nineteen hundred seventy-seven, may maintain his or her membership in that district or county dental society notwithstanding where such member resides or practices dentistry[~~, provided that for purposes of counting the number of members in any district or county dental society with respect to any New York~~

~~state dental association or american dental association matter relating to representation, all such members affected by this provision shall be counted only as members of the district or county dental society where they maintain their primary practice and not as members of any other district or county dental society~~]. Such county dental societies shall have the same powers, duties and quorum requirements as district dental societies.

§ 2. This act shall take effect immediately.