

# STATE OF NEW YORK

9108

## IN SENATE

June 18, 2018

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to enacting the orthodontic specialty consumer protection act

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "orthodontic specialty consumer protection act".

3 § 2. The education law is amended by adding a new section 6614 to read  
4 as follows:

5 § 6614. Special provisions regarding orthodontic cosmetic dentistry.  
6 1. As used in this section, the term "cosmetic dental procedure" shall  
7 mean certain dental procedures including dental implants, porcelain  
8 crowns, dental bonding, porcelain veneers, teeth whitening, tooth-co-  
9 lored fillings and full and partial dentures.

10 2. (a) Every licensed dental procedures entity who performs any  
11 cosmetic dental procedure, shall certify to the department annually that  
12 any such procedures are performed in compliance with the standards of  
13 care prescribed by the American dental association. The timing and  
14 manner of such certification shall be determined by the department.

15 (b) The department is authorized to investigate any allegation of  
16 non-compliance with the provisions of paragraph (a) of this subdivision  
17 and may revoke the operating license of any such entity that has been  
18 found to be non-compliant in more than two instances.

19 3. No agreement between a licensed dental procedures entity or a  
20 licensed dentist and a patient for the performance of a cosmetic dental  
21 procedure shall include an arbitration clause.

22 4. A licensed dental procedures entity or a licensed dentist shall  
23 provide a notice to a patient receiving a cosmetic dental procedure,  
24 such notice shall (a) be required to be provided on a separate page, (b)  
25 be signed by such patient and such licensed dentist or an authorized  
26 representative of such dentist, and (c) include the following text in  
27 bold printed font size forty-eight or greater:

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

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"WARNING:  
Without an x-ray at start of this treatment and a mid-treatment x-ray,  
this procedure can lead to irreversible damage that can worsen your  
current dental condition."  
§ 3. This act shall take effect immediately and apply to contracts  
executed on and after such date.