

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:

1 Section 1. Subdivisions 1 and 2 of section 6 of chapter 987 of the
2 laws of 1971 amending the education law and the civil practice law and
3 rules relating to the regulation and practice of certain professions;
4 and to continue the dental society of the state of New York, as amended
5 by chapter 683 of the laws of 1997, are amended to read as follows:
6 1. The existing district dental societies are continued. In any judi-
7 cial district in which a district dental society is not incorporated,
8 fifteen or more dentists of such district authorized to practice dentis-
9 try in this state may become a district dental society of such district,
10 by publishing a call for a meeting of the dentists of the district to be
11 held at a time and place mentioned therein within the district, in at
12 least one newspaper in each county of the district, at least once a week
13 for at least four weeks immediately preceding the time when such meeting
14 is to be held, and by meeting at the time and place specified in such
15 notice with such dentists authorized to practice dentistry in the
16 district as may respond to such call, and by making and filing with the
17 secretary of the state dental association a certificate, to be executed
18 and acknowledged by the dentists so meeting, or by at least fifteen of
19 them, which shall set forth that such meeting has been held pursuant to
20 such notice, the corporate name of the society, which shall be the
21 district dental society of the judicial district where located, the
22 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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1 first year, or until the first annual meeting, which officers shall be a
2 president, vice-president, secretary and treasurer, the time and place
3 of the annual meeting of the society and the general objects and
4 purposes of the association. Thereupon the persons executing such
5 certificate and all other dentists in good standing and authorized to
6 practice dentistry in such district, who shall subscribe to its bylaws,
7 shall be a corporation by the name expressed in such certificate. Every
8 licensed and registered dentist in the judicial district in which such a
9 society is formed, shall be eligible to membership in the district soci-
10 ety of the district in which he or she resides or practices dentistry,
11 except if such dentist resides or practices dentistry in a county in
12 which a county dental society is formed in the manner hereinafter
13 provided, he or she shall be eligible to membership in such county soci-
14 ety; provided, however, that after September 1, 1990 any licensed and
15 registered dentist who is not a member of the state dental association
16 shall be eligible for membership only in the district or county society
17 in which he or she maintains his or her primary practice. Any member of
18 a district or county dental society who has been a member of such
19 district or county dental society continuously since January first,
20 nineteen hundred seventy-seven, may maintain his or her membership in
21 that district or county dental society notwithstanding where such member
22 resides or practices dentistry[~~, provided that for purposes of counting~~
23 ~~the number of members in any district or county dental society with~~
24 ~~respect to any New York state dental association or american dental~~
25 ~~association matter relating to representation, all such members affected~~
26 ~~by this provision shall be counted only as members of the district or~~
27 ~~county dental society where they maintain their primary practice and not~~
28 ~~as members of any other district or county dental society]. The dental
29 societies of the respective districts of the state shall have power to
30 make all necessary bylaws not inconsistent with the laws of this state
31 for the management of their affairs and property and the admission and
32 expulsion of members; providing that no bylaw of any district society
33 shall be repugnant to or inconsistent with the bylaws of the state asso-
34 ciation. Twenty members or ten percent of the total membership entitled
35 to vote, whichever is less, shall be a quorum. Such societies may
36 purchase and hold real and personal property for the purposes of their
37 incorporation.~~

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

1 ~~state dental association or american dental association matter relating~~
2 ~~to representation, all such members affected by this provision shall be~~
3 ~~counted only as members of the district or county dental society where~~
4 ~~they maintain their primary practice and not as members of any other~~
5 ~~district or county dental society].~~ Such county dental societies shall
6 have the same powers, duties and quorum requirements as district dental
7 societies.
8 § 2. This act shall take effect immediately.